

<a href="#"><u>1/6</u></a> (1-40)	<a href="#"><u>1/7</u></a> (41-45)	<a href="#"><u>1/11</u></a> (46-53)
<a href="#"><u>1/12</u></a> (54-63)	<a href="#"><u>1/13</u></a> (64-76)	<a href="#"><u>1/14</u></a> (77-88)
<a href="#"><u>1/19</u></a> (89-100)	<a href="#"><u>1/20</u></a> (101-122)	<a href="#"><u>1/21</u></a> (123-134)
<a href="#"><u>1/25</u></a> (135-143)	<a href="#"><u>1/26</u></a> (144-153)	<a href="#"><u>1/27</u></a> (154-172)
<a href="#"><u>1/28</u></a> (173-181)	<a href="#"><u>2/1</u></a> (182-193)	<a href="#"><u>2/2</u></a> (194-208)
<a href="#"><u>2/3</u></a> (209-227)	<a href="#"><u>2/4</u></a> (228-242)	<a href="#"><u>2/8</u></a> (243-252)
<a href="#"><u>2/9</u></a> (253-264)	<a href="#"><u>2/10</u></a> (265-278)	<a href="#"><u>2/11</u></a> (279-296)
<a href="#"><u>2/15</u></a> (297-306)	<a href="#"><u>2/16</u></a> (307-327)	<a href="#"><u>2/17</u></a> (328-339)
<a href="#"><u>2/18</u></a> (340-354)	<a href="#"><u>2/22</u></a> (355-365)	<a href="#"><u>2/23</u></a> (366-376)
<a href="#"><u>2/24</u></a> (377-388)	<a href="#"><u>2/25</u></a> (389-408)	<a href="#"><u>3/1</u></a> (409-418)
<a href="#"><u>3/2</u></a> (419-432)	<a href="#"><u>3/3</u></a> (433-443)	<a href="#"><u>3/4</u></a> (444-471)
<a href="#"><u>3/15</u></a> (472-484)	<a href="#"><u>3/16</u></a> (485-512)	<a href="#"><u>3/17</u></a> (513-541)
<a href="#"><u>3/18</u></a> (542-554)	<a href="#"><u>3/19</u></a> (555-560)	<a href="#"><u>3/22</u></a> (561-579)
<a href="#"><u>3/23</u></a> (580-631)	<a href="#"><u>3/24</u></a> (632-682)	<a href="#"><u>3/25</u></a> (683-709)
<a href="#"><u>3/29</u></a> (710-753)	<a href="#"><u>3/30</u></a> (754-776)	<a href="#"><u>3/31</u></a> (777-822)
<a href="#"><u>4/1</u></a> (823-852)	<a href="#"><u>4/6</u></a> (853-866)	<a href="#"><u>4/7</u></a> (867-894)
<a href="#"><u>4/8</u></a> (895-916)	<a href="#"><u>4/12</u></a> (917-926)	<a href="#"><u>4/13</u></a> (927-948)
<a href="#"><u>4/14</u></a> (949-972)	<a href="#"><u>4/15</u></a> (973-991)	<a href="#"><u>4/19</u></a> (992-1004)
<a href="#"><u>4/20</u></a> (1005-1029)	<a href="#"><u>4/21</u></a> (1030-1042)	<a href="#"><u>4/22</u></a> (1043-1063)
<a href="#"><u>4/26</u></a> (1064-1077)	<a href="#"><u>4/27</u></a> (1078-1129)	<a href="#"><u>4/28</u></a> (1130-1165)
<a href="#"><u>4/29</u></a> (1166-1196)	<a href="#"><u>4/30</u></a> (1197-1202)	<a href="#"><u>5/3</u></a> (1203-1223)
<a href="#"><u>5/4</u></a> (1224-1289)	<a href="#"><u>5/5</u></a> (1290-1333)	<a href="#"><u>5/6</u></a> (1334-1423)
<a href="#"><u>5/10</u></a> (1424-1439)	<a href="#"><u>5/11</u></a> (1440-1486)	<a href="#"><u>5/12</u></a> (1487-1734)
<a href="#"><u>5/13</u></a> (1735-1880)	<a href="#"><u>5/14</u></a> (1881-1972)	<a href="#"><u>6/26</u></a> (1973-1976)
<a href="#"><u>6/28</u></a> (1-9)		

# Journal of the House

NINETY-FIFTH GENERAL ASSEMBLY  
of the  
STATE OF MISSOURI  
SECOND REGULAR SESSION

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FIRST DAY, WEDNESDAY, JANUARY 6, 2010

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, creator of heaven and earth and all things therein, as we begin the first session of this new decade, we want to first acknowledge and give thanks for Your grace and mercy which carried us through this past year. In good times or bad, You remain the same. You reign in truth and majesty.

Holy God, You are the One who gives the breath of life to everyone. May You be pleased with and may the people of this state benefit from the good we seek to do in this place. Lead us as we attempt to lead. Guide us as we provide guidance. Strengthen us as we seek to answer the tough questions before us.

So, as we move through this day and ultimately this session, we pray that You would grant us the composure, courage and wisdom to not only start well, but to finish well.

Now may You, the source of hope, grant each of these in this assembly joy, hope and confidence as they continue throughout this day, week and the months ahead.

These things I pray in the name of Your Son. Amen.

The Missouri State Highway Patrol, Troop F Color Guard, presented the Colors.

The Pledge of Allegiance to the flag was recited.

## COMMUNICATION FROM THE SECRETARY OF STATE

To the Honorable House of Representatives of the 95th General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the House of Representatives for the 95<sup>th</sup> General Assembly (Second Regular Session) of the State of Missouri, elected at the General Election held on November 4, 2008 and Special Elections held November 3, 2009.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 6<sup>th</sup> day of January, 2010.

/s/ ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI HOUSE OF REPRESENTATIVES  
95<sup>th</sup> General Assembly, Second Regular Session

District	Name
1st	Brian Munzlinger
2nd	Rebecca McClanahan
3rd	Casey Guernsey
4th	Mike Thomson
5th	Jim Guest
6th	Rachel Bringer
7th	Mike Lair
8th	Tom Shively
9th	Paul Quinn
10th	Terry L. Witte
11th	Ed Schieffer
12th	Doug Funderburk
13th	Chuck Gatschenberger
14th	Joe Smith
15th	Sally A. Faith
16th	Mark A. Parkinson
17th	Kenny Biermann
18th	Anne Zerr
19th	Cynthia L. Davis
20th	Jeanie Riddle
21st	Steve Hobbs
22nd	Therese A. Sander
23rd	Stephen Webber
24th	Chris Kelly
25th	Mary Wynne Still
26th	Joe Aull
27th	Vacant
28th	Rob Schaaf
29th	Martin T. Rucker
30th	Jason Brown
31st	Trent Skaggs
32nd	Jason Grill
33rd	Jerry Nolte
34th	Tim Flook
35th	Doug Ervin
36th	Bob Nance
37th	Mike Talboy
38th	Ryan Silvey
39th	Beth Low
40th	John Patrick Burnett
41st	Shalonn (Kiki) Curls
42nd	Leonard (Jonas) Hughes IV
43rd	Roman Lee LeBlanc
44th	Jason Kander

45th	Jason R. Holsman
46th	Kate Meiners
47th	Jeff Grisamore
48th	Will Kraus
49th	Tom McDonald
50th	Michael Ricardo Brown
51st	Ray Salva
52nd	Paul LeVota
53rd	Curt Dougherty
54th	Gary Dusenberg
55th	Bryan Pratt
56th	Vacant
57th	Vacant
58th	James T. Morris
59th	Jeanette Mott Oxford
60th	Jamilah Nasheed
61st	Chris Carter
62nd	Vacant
63rd	Tishaura O. Jones
64th	Rachel Storch
65th	Michele Kratky
66th	Michael Vogt
67th	Mike Colona
68th	David Sater
69th	Gina M. Walsh
70th	Sharon L. Pace
71st	Don Calloway
72nd	Maria N. Chappelle-Nadal
*73rd	Stacey Newman
74th	Steve Webb
75th	Bert Atkins
76th	Michael J. Spreng
77th	Michael George Corcoran
78th	Margo McNeil
79th	Albert (Al) Liese
80th	Theodore (Ted) Hoskins
81st	Rochelle Walton Gray
82nd	Jill Schupp
83rd	Jake Zimmerman
84th	Allen Icet
85th	Vicki Lorenz Englund
86th	Cole McNary
87th	John J. Diehl, Jr.
88th	Andrew Koenig
89th	Timothy W. Jones
90th	Sam Komo
91st	Jeanne Kirkton
92nd	Sue Allen
93rd	Dwight Scharnhorst
94th	Rick Stream
95th	Mike Leara
96th	Patricia (Pat) Yaeger
97th	Walt Bivins
98th	Brian Nieves
99th	Mike Sutherland
100th	Sue Schoemehl



101st	Timothy G. (Tim) Meadows
102nd	Jeff Roorda
103rd	Ron Casey
104th	Joseph Fallert, Jr.
105th	Michael Frame
106th	Steven Tilley
107th	Linda R. Fischer
108th	Jacob Hummel
109th	Scott D. Dieckhaus
110th	Belinda Harris
111th	Charlie W. Schlottach
112th	Tom Loehner
113th	Mark J. Bruns
114th	Bill Deeken
115th	Rodney Schad
116th	Tom Self
117th	Kenny Jones
118th	Stanley Cox
119th	Larry D. Wilson
120th	Scott N. Largent
121st	Denny L. Hoskins
122nd	Mike McGhee
123rd	Chris Molendorp
124th	Luke Scavuzzo
125th	Barney Fisher
126th	Ed Emery
127th	Tom Flanigan
128th	Bryan Preston Stevenson
129th	Ron Richard
130th	Kevin Wilson
131st	Marilyn Ruestman
132nd	Don Ruzicka
133rd	Mike Parson
134th	Jim Viebrock
135th	Charles W. (Charlie) Denison
136th	Eric Burlison
137th	Charlie Norr
138th	Sara Lampe
139th	Shane Schoeller
140th	Bob Dixon
141st	Jay Wasson
142nd	Raymond (Ray) Weter
143rd	Maynard Wallace
144th	Tony Dugger
145th	Mike Cunningham
146th	Darrell Pollock
147th	Don Wells
148th	David Day
149th	Dan W. Brown
150th	Jason T. Smith
151st	Ward Franz
152nd	J.C. Kuessner
153rd	Mike Dethrow
154th	Gayle Kingery
155th	Wayne Cooper
156th	Shelley (White) Keeney

157th	Scott A. Lipke
158th	Clint Tracy
159th	Billy Pat Wright
160th	Ellen Brandom
161st	Steve Hodges
162nd	Terry Swinger
163rd	Tom Todd

\*elected at a special election held November 3, 2009

## OATH OF OFFICE

Representative-elect Stacey Newman advanced to the bar and subscribed the Oath of Office, which was administered by the Honorable Lawrence B. Mooney, Judge of the Missouri Court of Appeals - Eastern District.

Representative Tilley suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 153

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr. Speaker		

NOES: 000

PRESENT: 003

Kelly                      Spreng                      Vogt

ABSENT WITH LEAVE: 003

Calloway                      Carter                      Holsman

VACANCIES: 004

### **ADDRESS BY SPEAKER RON RICHARD**

Welcome Representatives and guests to the opening of the second session of the 95th General Assembly.

Today we stand at the precipice of the future. Immense uncertainty faces all of us. We are at time in Missouri history where few have been. Let us work together as never before – times demand it.

We must never forget we sit in the people's chamber and our sacred duty as their elected officials is the maintenance of the integrity and sanctity of the Missouri House of Representatives. We are here to make our state a better place for our citizens to work and live.

With every vote we take, we must never forget the trust Missouri has put in us. We, as members, expect nothing less than the highest integrity in this chamber and the people of the state deserve nothing less.

Many members have filed legislation that would reform ethical standards. Today, I will create a Special Standing Committee on Government Accountability and Ethics Reform.

Representative LeVota and I are appointing members of outstanding character to this committee; Representative Kevin Wilson and Representative Sally Faith have agreed to serve as Chair and Vice-Chair. The committee also includes: Representatives Bruns, Lipke, Day, Nolte, Brandom, Burnett, Witte, Morris, Walsh and Curls. Their task is simple; I will send all ethics reform legislation to their committee so they may create one, bi-partisan piece of legislation that will restore the public's trust in our Chamber by seeking to remove even the appearance of impropriety.

Regardless of party affiliation we can all agree that the sanctity of this body is important. From this point forward, we commit ourselves to gain and hold the faith that the people of Missouri have in their elected Representatives.

We are also here because we believe in forging a bright future for Missouri, which is first and foremost in our minds when we walk into this chamber each day.

Economic woes threaten to dampen our future. The economic downturn has left no community or household in Missouri untouched. 9.5% percent of Missourians are out of work, and the House of Representatives must continue to lead the way, as we have in the past, towards a complete economic revitalization of Missouri.

There are those who say that the economic recovery will not be tied to job growth. That is unacceptable in Missouri.

We must also work to protect the tools that have been successful at bringing jobs and businesses into our state. This year we must also continue our work helping small businesses. They are the economic engine of Missouri.

The economic recovery of this state and nation will not be carried on the backs of government, but will instead be led by the forces of personal initiative and the free market. Missouri citizens will bring our state to a new level of economic prosperity through hard work; it is our duty to set the framework that allows them to thrive.

One important precept of our state government is that we must spend within our means and we cannot run budget deficits like the federal government. In a time of economic uncertainty we must work together to make the necessary decisions for our citizen's future that will allow Missouri to grow.

I will commit to you one thing: we must NOT and we will NOT raise taxes on working Missourians.

Families across the state are finding ways to stretch their dollars and we will work to follow them. With an ever increasing financial burden being placed on Missourians by the actions of the federal government, we must do what we can to decrease and cut taxes in Missouri.

Fiscal discipline and prudence will become the bywords for this session. The people demand nothing less with their tax dollars, and we will give them nothing less. We will commit ourselves to being prudent fiscal managers of public monies.

Our House is composed of responsible, hard-working members, and I know this will be a productive session that all Missourians can be proud of.

To all members, let us remember we are all here representing the people of our great state, and we all share the same common goal for a strong and confident Missouri that is a great place to live, work, and raise a family.

May God bless you and may God bless the great state of Missouri.

Pursuant to Section 9.141, RSMo, the Bill of Rights was read by Patty Buxton, former Revisor of Statutes for the Joint Committee on Legislative Research.

Ms. Buxton was presented a resolution by Speaker Pro Tem Pratt honoring her for 32 years of service to the Missouri Legislature.

Ms. Buxton addressed the House.

## **HOUSE RESOLUTIONS**

Representative Tilley offered **House Resolution No. 1**, which was read.

### **HOUSE RESOLUTION NO. 1**

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

On motion of Representative Tilley, **House Resolution No. 1** was adopted.

Representative Tilley offered **House Resolution No. 2**, which was read.

### **HOUSE RESOLUTION NO. 2**

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-fifth General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Tilley, **House Resolution No. 2** was adopted.

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Tilley offered **House Concurrent Resolution No. 1**, which was read.

#### **HOUSE CONCURRENT RESOLUTION NO. 1**

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 20, 2010, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-fifth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Tilley, **House Concurrent Resolution No. 1** was adopted.

Representative Tilley offered **House Concurrent Resolution No. 2**, which was read.

#### **HOUSE CONCURRENT RESOLUTION NO. 2**

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, February 3, 2010, to receive a message from His Honor Chief Justice Ray Price, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-fifth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Tilley, **House Concurrent Resolution No. 2** was adopted.

### **HOUSE RESOLUTION**

Representative Kirkton offered House Resolution No. 5.

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Nolte, et al., offered House Concurrent Resolution No. 4.

Representative Kuessner, et al., offered House Concurrent Resolution No. 5.

Representative Schaaf offered House Concurrent Resolution No. 6.

Representative Salva, et al., offered House Concurrent Resolution No. 8.

Representative Gatschenberger, et al., offered House Concurrent Resolution No. 9.

Representative Smith (14) offered House Concurrent Resolution No. 10.  
Representative Davis, et al., offered House Concurrent Resolution No. 11.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 3 and House Resolution No. 4  
House Resolution No. 6 through House Resolution No. 45

### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were read the first time and copies ordered printed:

**HCR 3**, introduced by Representatives Guernsey, Leara, Hoskins (121), Largent, Schoeller, Schieffer, Day, Thomson, Flanigan, Munzlinger, Riddle, Emery, Allen, Zerr, Smith (150), Keeney and Icet, relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

**HCR 7**, introduced by Representatives Munzlinger, Brown (149), Icet, Day, Swinger, Wallace, Jones (89), Thomson, Hobbs, Fischer (107), Nance, Schieffer, Emery, Cox, Fisher (125), Flanigan, Guest, Dugger, Smith (150), Brandom, Wilson (119), Pollock, Roorda, Denison, Loehner, McGhee, Ruzicka, Largent and Guernsey, relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

### **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 45**, introduced by Representatives Gatschenberger, Jones (89), Roorda, Hodges, Day, Schad, Ruestman, Corcoran, Dieckhaus and Lampe, relating to the general assembly.

**HJR 46**, introduced by Representatives Dusenberg, Day, Molendorp, Kraus and Pratt, relating to the department of transportation.

**HJR 47**, introduced by Representatives Kraus, Flook, Kander, Ruestman, Dusenberg, Molendorp, Cox, Smith (150) and Burlison, relating to the general assembly.

**HJR 48**, introduced by Representatives Davis, Nieves, Ruestman and McGhee, relating to health care services.

**HJR 49**, introduced by Representatives Davis, Funderburk, Gatschenberger, McGhee, Ruestman, Fischer (107) and Bivins, relating to the Missouri taxpayer protection initiative.

**HJR 50**, introduced by Representative Ervin, relating to health care services.

**HJR 51**, introduced by Representative Cunningham, relating to guaranteeing the right to vote by secret ballot.

**HJR 52**, introduced by Representatives Harris, Meadows, Wallace, Schieffer, Fischer (107), Kuessner, Lampe, Roorda and Oxford, relating to the power of eminent domain.

**HJR 53**, introduced by Representatives Harris, Meadows, Wallace, Schieffer, Fischer (107), Kuessner, Lampe, Roorda and Oxford, relating to repealing authority to take property by eminent domain.

**HJR 54**, introduced by Representatives Chappelle-Nadal and Walton Gray, relating to the board of freeholders.

**HJR 55**, introduced by Representatives Chappelle-Nadal, Walton Gray and Oxford, relating to the department of transportation.

**HJR 56**, introduced by Representatives Emery, Icet, Flanigan, Smith (14), Koenig, Kelly, Burlison, Jones (89), Ervin, Bivins, Dieckhaus, Parkinson, Nieves, Smith (150), Funderburk, Schad, Allen, Zerr, Denison, Lair, Fisher (125), Cooper, Stevenson, Sander, Meiners, Schaaf, Wilson (119), Wasson, Brandom, McNary, Nolte, Schoeller, Davis, Franz, Ruzicka, Guest, Dethrow and Wells, relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

**HJR 57**, introduced by Representatives Jones (89), Icet, Nieves, Scharnhorst, Stream, Schaaf, Thomson, Funderburk, Burlison, Koenig, Gatschenberger, Smith (150), Emery, Bivins, Smith (14), Kraus, Ruzicka, Cox, Munzlinger, Denison, Richard, Jones (117), Tilley, Wells, Wilson (130), Dieckhaus, Allen, McNary, Dugger, McGhee, Wilson (119), Pratt, Parkinson, Zerr, Dixon, Stevenson, Pollock, Day, Molendorp, Grisamore, Ruestman, Brandom, Flanigan, Fisher (125), Schad, Guernsey, Riddle, Largent, Leara, Schoeller, Diehl, Dethrow, Davis, Sutherland, Lair, Keeney, Wasson, Cooper, Faith, Sander, Parson, Kingery, Guest, Brown (149), Weter, Viebrock, Cunningham (145), Tracy, Nolte, Bruns, Franz, Nance, Flook, Loehner, Schlottach and Deeken relating to health care services.

**HJR 58**, introduced by Representatives Cox, Sater, Burlison, Funderburk, Munzlinger and Grisamore, relating to nonpartisan judicial commissions.

**HJR 59**, introduced by Representatives McGhee, Davis, Burlison, Jones (89), Ervin, Kraus, Thomson, Dieckhaus, Lair, Deeken, Schieffer, Ruzicka, Funderburk, Wells, Smith (150), Ruestman, Gatschenberger, Cox, Wasson, Dethrow, Wilson (130), Wallace, Wilson (119) and Koenig, relating to the right to pray.

**HJR 60**, introduced by Representatives Jones (89), Schaaf, Funderburk, Lampe, Kraus, Wilson (119), Grisamore, Smith (150), Fischer (107) and Lampe, relating to property taxation.

**HJR 61**, introduced by Representatives Thomson, Lair, Sater, Molendorp, Grill, Wasson, Atkins, Ruzicka, Deeken, Flanigan, Lampe, Dusenbergl and Bivins, relating to bonded indebtedness of school districts.

**HJR 62**, introduced by Representatives McGhee, Davis, Burlison, Jones (89), Ervin, Kraus, Thomson, Dieckhaus, Lair, Deeken, Schieffer, Ruzicka, Funderburk, Wells, Smith (150), Ruestman, Gatschenberger, Cox, Wasson, Dethrow, Wilson (130), Wallace, Wilson (119) and Koenig, relating to the right to pray.

**HJR 63**, introduced by Representatives Parson, Munzlinger and Schad, relating to initiative petitions.

**HJR 64**, introduced by Representatives Cox, Davis, Burlison, Ruestman, Smith (150), Flanigan, Jones (89), Koenig, Munzlinger, Grisamore and Bivins, relating to voter identification.

**HJR 65**, introduced by Representatives Molendorp and Dusenberg, relating to bonded indebtedness of school districts.

**HJR 66**, introduced by Representative Schoemehl, relating to school district bond elections.

**HJR 67**, introduced by Representative Pratt, relating to property taxation.

**HJR 68**, introduced by Representatives Davis, Bivins, Wells, Ruestman and Stevenson, relating to property taxation.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1202**, introduced by Representatives Kuessner, Fischer (107), Webb, Day, Pace, Molendorp, Grill, Shively, Lair, Schieffer, Schupp, Oxford, Aull and Zimmerman, relating to text messaging while operating a motor vehicle.

**HB 1203**, introduced by Representatives Kuessner, Hodges, Meadows, Atkins, Walton Gray, Lampe, Aull, Wallace, Schieffer and McGhee, relating to inmate charges for medical treatment at correctional facilities.

**HB 1204**, introduced by Representatives Kuessner, Hodges, Meadows, Atkins, Lampe, Aull, Harris and Walton Gray, relating to medical malpractice insurance.

**HB 1205**, introduced by Representatives Schad, Gatschenberger, Funderburk, Jones (89), Day, Molendorp, Wright, Aull, Bivins and Zimmerman, relating to text messaging while operating a motor vehicle.

**HB 1206**, introduced by Representatives Gatschenberger, Munzlinger, Smith (14), Jones (89), Schaaf, Burlison, Funderburk, Biermann, Ervin, Bivins, Franz, Ruestman, Schad, Wilson (119), Hughes, Dieckhaus, Dethrow, Dusenberg, Schieffer, Wells, Wallace, Smith (150) and Riddle, relating to concealed carry endorsements.



**HB 1207**, introduced by Representatives Day, Kuessner, Tilley, Jones (89), Fisher (125), Brown (149), Wallace, Sater, Meadows, Schlottach, Schad, Funderburk, Munzlinger, Tracy, Harris, Schieffer, Hodges, Ruestman, Lair, Gatschenberger, Roorda, Dethrow, Grisamore, Lampe, Largent, Riddle and Smith (150), relating to classification of certain real property.

**HB 1208**, introduced by Representatives Day, Meadows, Nance, Funderburk, Molendorp, Fisher (125), Bruns, Nieves, Harris, Tracy, Hoskins (121), Lair, Schieffer, Dusenberg, Schaaf, Brown (149), Munzlinger, Roorda, Ruestman, Schad, Wilson (119), Lampe, Gatschenberger, Dieckhaus, Norr, Grisamore, Largent, Riddle and McGhee, relating to the final disposition of deceased military personnel.

**HB 1209**, introduced by Representatives Day, Funderburk, Norr, Lair, Grisamore and Brown (149), relating to circuit court marshals.

**HB 1210**, introduced by Representatives Lipke and Roorda, relating to the regulation of methamphetamine precursor substances.

**HB 1211**, introduced by Representatives Dusenberg, Ruestman, Allen, Kraus, Grisamore, Burlison, Schad, Nieves, Harris, Schieffer, Smith (150) and McGhee, relating to abortion.

**HB 1212**, introduced by Representative Dusenberg, relating to nonresident pupil tuition.

**HB 1213**, introduced by Representatives Dusenberg, Ruestman, Kraus, Grisamore, Lair, Schad, Munzlinger, Nieves, Meadows, Wallace and Smith (150), relating to an income tax exemption for certain veterans.

**HB 1214**, introduced by Representatives Dusenberg, Ruestman, Kraus, Jones (89), Lair, Schad, Dieckhaus, Nieves, Hoskins (121) and McGhee, relating to a property tax exemption on homesteads.

**HB 1215**, introduced by Representative Dusenberg, relating to health screening of public school students.

**HB 1216**, introduced by Representatives Dusenberg, Ruestman, Lair, Kraus, Dieckhaus, Nieves and Smith (150), relating to real property taxation.

**HB 1217**, introduced by Representatives Dusenberg, Day, Parkinson, Burlison, Allen, Nieves, Wallace, Smith (150) and McGhee, relating to protective headgear for operation of motorcycles or motortricycles.

**HB 1218**, introduced by Representatives Dusenberg, Ruestman and Gatschenberger, relating to contracts.

**HB 1219**, introduced by Representatives Smith (14), Meadows and Roorda, relating to food allergens.

**HB 1220**, introduced by Representatives Smith (14), Lair, Wallace, Storch, Nieves, Gatschenberger, Meadows, Wilson (119) and Munzlinger, relating to the Gulf War medallion program.

**HB 1221**, introduced by Representatives Smith (14), Munzlinger, Meadows, Nieves, Grisamore, Lair, Hoskins (121) and Gatschenberger, relating to the Global War on Terrorism medallion program.

**HB 1222**, introduced by Representatives Smith (14), Smith (150), Nieves, Grisamore, Gatschenberger, Allen, Meiners, Ruestman, Schaaf and Grill, relating to sales tax exemptions.

**HB 1223**, introduced by Representatives Smith (14), Ruestman, Meadows, Wallace and McGhee, relating to construction zone and work zone violations.

**HB 1224**, introduced by Representatives Smith (14), Ruestman, Grisamore and McGhee, relating to the Missouri national guard and reservists family education grant.

**HB 1225**, introduced by Representatives Lair, Dieckhaus, Gatschenberger, Funderburk, Day, Burlison, Walton Gray, Sater, Fisher (125), Kraus, Jones (89), Ruestman, Nieves and Smith (150), relating to Missouri dependency exemptions.

**HB 1226**, introduced by Representatives Fischer (107), Tilley, Fallert, Englund, Schieffer, Gatschenberger, Aull and Lair, relating to sexual misconduct in the second degree.

**HB 1227**, introduced by Representatives Kraus, Dieckhaus, Jones (89), Allen, Hoskins (121), Fischer (107), Lair, Funderburk and Smith (150), relating to Missouri dependency exemptions.

**HB 1228**, introduced by Representatives Kraus, Gatschenberger, Jones (89), Scharnhorst, Nieves, Fischer (107), Bivins, Smith (150), McGhee and Ruestman, relating to real property taxation.

**HB 1229**, introduced by Representatives Kraus, Jones (89), McGhee, Zimmerman, Ruestman and Gatschenberger, relating to traffic control signal violations.

**HB 1230**, introduced by Representatives Davis, Day, Nieves, Ruestman, Dugger, Kraus and Smith (150), relating to the Missouri firearms freedom act.

**HB 1231**, introduced by Representatives Davis, Nieves, Nolte, Allen, Ruestman and Gatschenberger, relating to drivers' examinations.

**HB 1232**, introduced by Representatives Davis, Dugger, Ruestman and Wells, relating to unlawful use of weapons.

**HB 1233**, introduced by Representatives Davis and Nance, relating to children and minors who are the subject of certain administrative and judicial proceedings.

**HB 1234**, introduced by Representatives Davis and McGhee, relating to the marriage matters act.

**HB 1235**, introduced by Representatives Davis, Nolte and McGhee, relating to the provision of artificially supplied nutrition and hydration.

**HB 1236**, introduced by Representatives Davis, Gatschenberger, Nieves, Sander, Emery, Dugger and McGhee, relating to the negligent screening act.

**HB 1237**, introduced by Representatives Davis, Allen and Roorda, relating to adoption records.

**HB 1238**, introduced by Representatives Davis, Kraus, Dugger, Nolte, Allen, Cox, Munzlinger, Bruns, Burlison, McGhee, Gatschenberger and Smith (150), relating to abortion.

**HB 1239**, introduced by Representatives Davis, Kraus, Schaaf, Ruestman, Day, Nolte, Dieckhaus, Wallace, Riddle, McGhee and Smith (150), relating to concealed carry endorsements.

**HB 1240**, introduced by Representatives Davis, Wallace, Funderburk, Schaaf, Munzlinger, Ruestman and Gatschenberger, relating to an income tax deduction for educational expenses.

**HB 1241**, introduced by Representative Sater, relating to the senior services growth and development program.

**HB 1242**, introduced by Representatives Sater, Wallace and McGhee, relating to a registry for methamphetamine offenders.

**HB 1243**, introduced by Representatives Sater, Carter, Wallace, Storch, Ruestman, Wilson (119) and McGhee, relating to an income tax deduction for alternative energy sources.

**HB 1244**, introduced by Representatives Sater, Wallace, Day, Ruestman and Wilson (119), relating to sales tax exemptions.

**HB 1245**, introduced by Representative Sater, relating to pawnshops.

**HB 1246**, introduced by Representatives Sater and Wallace, relating to teenage drivers.

**HB 1247**, introduced by Representatives Sater and Jones (89), relating to eligibility for temporary assistance for needy families benefits.

**HB 1248**, introduced by Representatives Sater, Wallace, Ruestman and McGhee, relating to consumer notice of ethanol.

**HB 1249**, introduced by Representatives Sater, Jones (89), Carter, Wallace, Day, Munzlinger, Ruestman, Wilson (119) and McGhee, relating to tax credits for donations to senior citizen services centers.

**HB 1250**, introduced by Representatives Sater, Wallace and Still, relating to bicycle riders.

**HB 1251**, introduced by Representatives Sater and Wallace, relating to notices to parents or guardians of uninsured children.

**HB 1252**, introduced by Representative Curls, relating to sentences under dual jurisdiction.

**HB 1253**, introduced by Representatives Swinger, Witte and Bringer, relating to the telemarketing no-call list.

**HB 1254**, introduced by Representatives Wilson (119), Sater, Munzlinger, Ruestman, Weter, Schieffer, Grisamore, Wallace, Smith (150), Schad, Nance, Hodges, Fisher (125) and Faith, relating to rural empowerment zone criteria.

**HB 1255**, introduced by Representatives Nance, Nieves, Emery, Schaaf, Day, Ruestman, Schad, Atkins, Wallace, Meadows, Lair, Sander, Sater, Nolte, Kelly, McGhee and Smith (150), relating to small claims actions.

**HB 1256**, introduced by Representatives McGhee, Scharnhorst, Roorda, Fischer (107) and Day, relating to pay increases for noncustody employees of certain divisions of the department of corrections.

**HB 1257**, introduced by Representatives Smith (14), Smith (150), Wallace, Funderburk, Grisamore, Allen, Roorda, McGhee and Gatschenberger, relating to unborn children.

**HB 1258**, introduced by Representatives Todd, Wright, Hodges, Swinger and Kingery, relating to the designation of a memorial highway.

**HB 1259**, introduced by Representatives Holsman, Storch, Lampe, Carter, Low, Hummel, McNeil, Roorda, Schieffer, Oxford, Schaaf, Grill and Kirkton, relating to medical assistance benefits.

**HB 1260**, introduced by Representatives Komo, Lampe and Fallert, relating to the inclusion of small employers in the state health care plan.

**HB 1261**, introduced by Representatives Komo, Burlison and Schieffer, relating to political subdivision sales taxes.

**HB 1262**, introduced by Representatives Komo, Schieffer and Fallert, relating to conditions of probation and parole.

**HB 1263**, introduced by Representatives Komo and Roorda, relating to sewer district subdistricts.

**HB 1264**, introduced by Representative Komo, relating to state employee retirement.

**HB 1265**, introduced by Representatives Smith (14), Dieckhaus, Jones (89), Meadows, Ruestman and McGhee, relating to motor vehicle mileage taxes.

**HB 1266**, introduced by Representatives Norr, Roorda, Schoeller, Meadows, Still, Walton Gray, Englund, Fallert, Komo, Corcoran, Lampe, Harris and Schieffer, relating to employment security.

**HB 1267**, introduced by Representative Meiners, relating to recording fees.

**HB 1268**, introduced by Representative Meiners, relating to adenoid cystic carcinoma awareness day.

**HB 1269**, introduced by Representative Meiners, relating to criminal history searches for persons seeking to work or volunteer at camps which provide activities for children under the age of eighteen.

**HB 1270**, introduced by Representative Meiners, relating to children's special health care needs.

**HB 1271**, introduced by Representative Brown (30), relating to the designation of the official canine breed and state canine of Missouri.

**HB 1272**, introduced by Representative Bruns, relating to transient guest taxes.

**HB 1273**, introduced by Representatives Holsman, Grill, Harris, Roorda, Oxford, Low and Carter, relating to light pollution.

**HB 1274**, introduced by Representatives Dixon, Cunningham, Hoskins (80), Gatschenberger, Spreng, Jones (89), Hoskins (121) and Wilson (119), relating to fine arts education.

**HB 1275**, introduced by Representatives Wells, Denison, Deeken, Hodges, Wilson (130), Faith, Funderburk and Norr, relating to registration of fire suppression sprinkler systems contractors.

**HB 1276**, introduced by Representatives Wells, Denison, Deeken, Schad, Ruestman, Jones (89), Nolte, Day, Zimmerman, Hodges, Wilson (130), Funderburk, Wallace, Faith, Norr, Sater, Gatschenberger, Roorda, Kirkton and Chappelle-Nadal, relating to text messaging while operating a motor vehicle.

**HB 1277**, introduced by Representatives Wells, Denison, Hodges, McGhee, Oxford, Allen, Roorda, Gatschenberger, Sater, Faith, Funderburk and Wallace, relating to tobacco use on public school property.

**HB 1278**, introduced by Representatives Roorda and Schieffer, relating to county court municipal judges.

**HB 1279**, introduced by Representatives Roorda and Schieffer, relating to notification to the public of the date, time, and location of certain juvenile hearings.

**HB 1280**, introduced by Representatives Roorda, Schieffer and Fischer (107), relating to altering or falsifying drug or alcohol tests or test results.

**HB 1281**, introduced by Representative Roorda, relating to neutral site child custody exchange.

**HB 1282**, introduced by Representatives Roorda, Walton Gray, Schieffer and Fischer (107), relating to use of automated external defibrillators.

**HB 1283**, introduced by Representatives Roorda, Walton Gray, Schieffer and Fischer (107), relating to the sale or consignment of certain emergency vehicles.

**HB 1284**, introduced by Representatives Roorda and Schieffer, relating to property damage of a motor vehicle.

**HB 1285**, introduced by Representative Roorda, relating to incorporation of fire codes.

**HB 1286**, introduced by Representative Roorda, relating to health care professional peer review committees.

**HB 1287**, introduced by Representative Roorda, relating to taxation of unauthorized substances.

**HB 1288**, introduced by Representatives Sutherland, Ruestman, Low, Schieffer, Roorda, Funderburk and Kirkton, relating to the large carnivore act.

**HB 1289**, introduced by Representatives Gatschenberger, Jones (89), Smith (150), Funderburk, Ruestman and Dusenberger, relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**HB 1290**, introduced by Representatives Gatschenberger and Ruestman, relating to county auditors.

**HB 1291**, introduced by Representative Burlison, relating to concealed carry endorsements.

**HB 1292**, introduced by Representatives Holsman, Harris, Carter, Oxford, Grill, Roorda and Low, relating to light pollution.

**HB 1293**, introduced by Representatives Hoskins (121), Jones (89), Colona, Dieckhaus, Allen, Funderburk and Schieffer, relating to professional therapy dogs.

**HB 1294**, introduced by Representatives Hoskins (121), Kelly, Colona, Largent and Dieckhaus, relating to bingo.

**HB 1295**, introduced by Representatives Lampe, Roorda, McNeil, Walton Gray, Webb, Norr, Low and Schieffer, relating to gifted education.

**HB 1296**, introduced by Representatives Lampe, Roorda, Walton Gray, Webb, Zimmerman, Norr, Low, Still and Schieffer, relating to the identification, assessment, education, and services for handicapped and severely handicapped students in public school districts.

**HB 1297**, introduced by Representatives Lampe, Roorda, Walton Gray, Webb, Norr, Fischer (107) and Low, relating to school attendance.

**HB 1298**, introduced by Representatives Lampe, Walton Gray, Webb, Norr, Fischer (107) and Low, relating to transfer of patients in mental health facilities.

**HB 1299**, introduced by Representatives Lampe and Webb, relating to the Missouri sunshine law.

**HB 1300**, introduced by Representatives Lampe, Roorda, Webb, Norr, Fischer (107), Burlison and Still, relating to the paper reduction act.

**HB 1301**, introduced by Representatives Lampe, Webb and Still, relating to the sale and manufacture of imitation butter.

**HB 1302**, introduced by Representatives Lampe, McNeil, Walton Gray, Webb, Norr, Low and Schieffer, relating to the amber and silver alert system.

**HB 1303**, introduced by Representative Schaaf, relating to abatement of nuisances.

**HB 1304**, introduced by Representatives Hodges, Lampe, Harris, Walton Gray, Sander, Schieffer, Roorda, McGhee and Corcoran, relating to health insurance coverage for Down Syndrome.

**HB 1305**, introduced by Representatives Hodges, Walton Gray and Schieffer, relating to insurance coverage for treatment of infertility.

**HB 1306**, introduced by Representatives Hodges, Walton Gray and Schieffer, relating to crimes against police animals.

**HB 1307**, introduced by Representatives Hodges, Schieffer, Roorda and McGhee, relating to hospital patient safety.

**HB 1308**, introduced by Representatives Hodges, Molendorp, Sander, Schieffer, McGhee and Colona, relating to unlawful use of weapons.

**HB 1309**, introduced by Representatives Hodges and Schieffer, relating to the land reclamation commission.

**HB 1310**, introduced by Representative Hodges, relating to a memorial highway designation.

**HB 1311**, introduced by Representatives Scharnhorst, Grisamore, Walton Gray, Funderburk, Cooper, Casey, Harris, Allen, Nance, Walsh, Grill, Jones (63), Pace, Carter, Rucker, Roorda, Dusenberg, McGhee, Fallert, Norr, Englund and Schupp, relating to insurance coverage for diagnosis and treatment of autism spectrum disorders.

**HB 1312**, introduced by Representative Talboy, relating to prohibited acts by certain elected officials.

**HB 1313**, introduced by Representative Curls, relating to the shock time for felony probationers program.

**HB 1314**, introduced by Representatives Swinger, Witte, Hodges and Todd, relating to an income tax deduction for storm shelters.

**HB 1315**, introduced by Representatives Shively, Still, Schieffer, Oxford, Zimmerman, Fischer (107), Aull and Scavuzzo, relating to text messaging while operating a motor vehicle.

**HB 1316**, introduced by Representative Deeken, relating to property tax assessment notices.

**HB 1317**, introduced by Representative Curls, relating to recording fees.

**HB 1318**, introduced by Representatives Harris and Aull, relating to relocation of a child by a parent.

**HB 1319**, introduced by Representative Harris, relating to orders of protection.

**HB 1320**, introduced by Representative Parson, relating to health insurance coverage for licensed athletic trainer services.

**HB 1321**, introduced by Representative Parson, relating to property tax relief for senior citizens.

**HB 1322**, introduced by Representatives LeVota, Burnett, Englund, Fallert, Fischer (107), Grill, Harris, Holsman, Hummel, Komo, Kraus, Kuessner, Lampe, Low, McGhee, McNeil, Norr, Roorda, Scavuzzo, Schieffer, Schupp, Shively, Still, Webber, Yaeger and Zimmerman, relating to campaign contributions.

**HB 1323**, introduced by Representative Bringer, relating to outboard motors.

**HB 1324**, introduced by Representative Bringer, relating to lobbyist gifts.

**HB 1325**, introduced by Representative Bringer, relating to the telemarketing no-call list.

**HB 1326**, introduced by Representative Bringer, relating to campaign contributions.

**HB 1327**, introduced by Representatives Davis, Funderburk, Smith (14), Burlison, Allen, Emery, Kraus, Harris, Gatschenberger, Wells, Smith (150), Schad and Fischer (107), relating to abortion.

**HB 1328**, introduced by Representative Curls, relating to sale of cigarettes.

**HB 1329**, introduced by Representative Sater, relating to the volunteer health services act.

**HB 1330**, introduced by Representative Salva, relating to memorial highway and bridge designations.

**HB 1331**, introduced by Representatives Roorda, Meadows, Schieffer, McNeil, Yaeger, Carter, Fischer (107), Casey, Nasheed and Lampe, relating to the regulation of methamphetamine precursor substances.

**HB 1332**, introduced by Representatives Roorda, Corcoran, Schieffer and Hoskins (80), relating to motorcycle stunt driving.

**HB 1333**, introduced by Representative Lipke, relating to the Missouri health insurance pool.

**HB 1334**, introduced by Representative Lipke, relating to the Evan de Mello reimbursement program.



**HB 1335**, introduced by Representatives Davis, Funderburk, Dieckhaus and Ruestman, relating to funding educational opportunities.

**HB 1336**, introduced by Representatives Brandom, Fischer (107), Harris, Munzlinger, Zerr, Schlottach, Jones (63), Storch, Yaeger, Gatschenberger, Sater, Day, Smith (14), Funderburk, Walton Gray, Flanigan, Roorda, Still, Allen, Tilley, Nolte, Pace, Ruestman, Schoemehl, McNeil, Jones (89), Kirkton, Englund, Stevenson, Schieffer, Grisamore, Fallert, Dusenberg, Lampe, Lair, Oxford, Wallace, McGhee, Quinn, Nance and Icet, relating to the designation of Girl Scout Day.

**HB 1337**, introduced by Representatives Dusenberg, Allen and Kraus, relating to campaign finance.

**HB 1338**, introduced by Representatives Chappelle-Nadal, Walton Gray, Nasheed and Oxford, relating to harassment.

**HB 1339**, introduced by Representatives Lair, Shively, Hoskins (121), Walton Gray, Dieckhaus, Dusenberg and Nolte, relating to the regulation of bingo.

**HB 1340**, introduced by Representative Dugger, relating to sales taxes for fire protection districts.

**HB 1341**, introduced by Representatives Grill, LeVota, Lampe, Kander, Storch, Roorda, Kelly, Schoemehl, Schupp, Funderburk, Rucker, Still, Holsman, Scavuzzo, Hodges, Carter, Fallert, Norr, Webb, Shively, Jones (63), Walton Gray, Englund, Harris, McDonald and Pace, relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

**HB 1342**, introduced by Representatives Grill, Carter, Schieffer, Walton Gray, Nasheed and Still, relating to the posting of caloric content at food service establishments.

**HB 1343**, introduced by Representatives Grill, Hodges, Funderburk, Norr, Schieffer, Casey, Nasheed and Walton Gray, relating to assaulting an athletic official.

**HB 1344**, introduced by Representative Dugger, relating to fire protection association fees.

**HB 1345**, introduced by Representatives Harris, Lampe, Wallace, Schieffer, Oxford, Fallert, Meadows, Fischer (107), Roorda and Low, relating to the sale and delivery of raw milk or cream.

**HB 1346**, introduced by Representatives Harris, Norr, Schieffer, Jones (63), Roorda, Oxford, Fischer (107), Kuessner, Lampe, Hummel, Fallert and Scavuzzo, relating to employment security.

**HB 1347**, introduced by Representatives Harris, Liese, Fischer (107), Kuessner, Lampe and Meadows, relating to the uniform planned community act.

**HB 1348**, introduced by Representatives Harris, Fischer (107), Oxford, Lampe and Meadows, relating to insurance companies owning or contracting with motor vehicle body repair shops.

**HB 1349**, introduced by Representative Walton Gray, relating to special purpose districts' employment of police officers.

**HB 1350**, introduced by Representatives Ruestman, Jones (89), Faith, Sater, Nieves, Koenig, McGhee, Emery and Gatschenberger, relating to residential property assessments.

**HB 1351**, introduced by Representatives Ruestman, Jones (89), Nieves, Allen, Wilson (130), Norr and Walton Gray, relating to an income tax credit for volunteer firefighters.

**HB 1352**, introduced by Representatives Schad, Jones (117), Wells, Fisher (125), Wallace, Day, Funderburk, Dieckhaus, Emery, Jones (89), Ervin, Stevenson, McGhee, Guernsey, Kraus, Cox, Kelly, Smith (150), Meadows, Allen, Nieves, Loehner, Ruestman, Denison, Tracy and Sater, relating to concealed carry endorsements.

**HB 1353**, introduced by Representative Cunningham, relating to holidays.

**HB 1354**, introduced by Representative Cunningham, relating to military scholarships.

**HB 1355**, introduced by Representatives Chappelle-Nadal and Walton Gray, relating to the sale of beer.

**HB 1356**, introduced by Representatives Chappelle-Nadal, Walton Gray, Nasheed, Oxford and Pace, relating to employment practices.

**HB 1357**, introduced by Representatives Chappelle-Nadal, Carter, Walton Gray, Nasheed, Oxford and Pace, relating to eligibility for medical assistance.

**HB 1358**, introduced by Representatives Chappelle-Nadal, Carter, Walton Gray, Nasheed, Oxford and Pace, relating to long-term care facilities.

**HB 1359**, introduced by Representatives Chappelle-Nadal, Walton Gray, Nasheed and Pace, relating to health record banks.

**HB 1360**, introduced by Representatives Chappelle-Nadal, Carter, Walton Gray, Nasheed, Oxford and Pace, relating to the women, infants and children special supplement food program.

**HB 1361**, introduced by Representatives Komo, Burlison and Schieffer, relating to political subdivision sales taxes.

**HB 1362**, introduced by Representatives Bruns, Munzlinger, Cooper, Jones (117) and Pollock, relating to criminal investigators of the department of revenue criminal investigations bureau.

**HB 1363**, introduced by Representatives Grill, Funderburk, Colona, Carter, Chappelle-Nadal and Jones (63), relating to license plates.

**HB 1364**, introduced by Representatives Davis, Sander, Gatschenberger and Bivins, relating to dental benefits under the MO HealthNet program.

**HB 1365**, introduced by Representatives Emery, Ruestman, Koenig, Grisamore, Wilson (119), Wright, Burlison, Schaaf, Gatschenberger, Jones (89), Sater, Nance, Funderburk, Day and Zerr, relating to the right of pharmacies regarding abortifacients.

**HB 1366**, introduced by Representatives Emery, Grisamore and Ruestman, relating to the elevator safety board.

**HB 1367**, introduced by Representatives Schlottach, Dieckhaus, Nance, Schieffer, Fisher (125) and Allen, relating to the tasting of liquor.

**HB 1368**, introduced by Representative Roorda, relating to days off for school districts.

**HB 1369**, introduced by Representatives Roorda and Schieffer, relating to schedule II controlled substances.

**HB 1370**, introduced by Representatives Roorda, Walton Gray, Schieffer and Fischer (107), relating to cord blood collection.

**HB 1371**, introduced by Representative Roorda, relating to board members of fire protection and ambulance districts.

**HB 1372**, introduced by Representatives Parson, Jones (89), Funderburk and Bivins, relating to telecommunications.

**HB 1373**, introduced by Representative Parson, relating to health insurance coverage for athletic trainer services.

**HB 1374**, introduced by Representative Ervin, relating to health insurance.

**HB 1375**, introduced by Representatives Cooper, Sater, Still, Jones (63), Kirkton and Storch, relating to treatment of certain sexually transmitted diseases.

**HB 1376**, introduced by Representative Pollock, relating to criminal investigators of the department of revenue criminal investigations bureau.

**HB 1377**, introduced by Representatives Brandom, Kingery, Smith (150), Cox, Day, Schaaf, Funderburk, Flook, Davis, Dieckhaus, Ervin, Dugger, Wilson (130), Deeken, Schoeller, Denison, Wallace, Koenig, Munzlinger, Allen, Hoskins (121), Kraus, Jones (89), Ruestman, Burlison, Emery, Sander, Grisamore, Dethrow, Wells and Ruzicka, relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**HB 1378**, introduced by Representative Salva, relating to liquor sales.

**HB 1379**, introduced by Representative Salva, relating to the use of credit scores by insurance companies.

**HB 1380**, introduced by Representative Salva, relating to juror compensation.

**HB 1381**, introduced by Representatives Smith (14), Jones (89), Nolte, Wallace and Gatschenberger, relating to wireless telephone use.

**HB 1382**, introduced by Representative Ervin, relating to the Missouri patient privacy act.

**HB 1383**, introduced by Representatives Nolte, Burlison, Smith (150), Nance, Jones (89), Wilson (119), Ruestman and Nieves, relating to possible deportation of aliens who are listed in the state sexual offender registry.

**HB 1384**, introduced by Representatives Nolte and Nance, relating to tax statements.

**HB 1385**, introduced by Representatives Nolte and Nance, relating to compensation of county commissioners.

**HB 1386**, introduced by Representatives Nolte, Kraus, Smith (150), Nance, Jones (89), Dusenberg, Ruestman and Nieves, relating to property assessments.

**HB 1387**, introduced by Representatives Gatschenberger, Jones (89), Wallace, Munzlinger, Dieckhaus, Molendorp, Funderburk, Grisamore, Schieffer, Kraus and Smith (150), relating to a sales tax holiday.

**HB 1388**, introduced by Representative Day, relating to transient guest taxes.

**HB 1389**, introduced by Representative Norr, relating to the disclosure of ingredients in cosmetics.

**HB 1390**, introduced by Representatives Quinn, LeVota, Molendorp, Oxford, Low, Grisamore, Shively, Kuessner, Fischer (107), Webber, Schieffer, Aull, Scavuzzo, Norr and Todd, relating to contracts between legislators.

**HB 1391**, introduced by Representatives Kirkton, Jones (63), Fallert, Walton Gray, Englund, Lampe, Sater, Oxford, Still, Pace, Storch, Low and Grisamore, relating to child support.

**HB 1392**, introduced by Representatives Kirkton, Walton Gray, Schieffer, Corcoran, Englund and Atkins, relating to ad valorem property tax rates.

**HB 1393**, introduced by Representative Kirkton, relating to a special license plate for Vietnam era military veterans.

**HB 1394**, introduced by Representative Kirkton, relating to a sales tax for public library districts.

**HB 1395**, introduced by Representative Roorda, relating to certain unlawful weapons offenses.

**HB 1396**, introduced by Representative Roorda, relating to proposed ordinances in cities of the third classification.

**HB 1397**, introduced by Representatives Roorda and Meadows, relating to ambulance and fire district taxes.

**HB 1398**, introduced by Representative Roorda, relating to child abuse and neglect.

**HB 1399**, introduced by Representatives Komo, Funderburk, Englund, Schieffer, Yaeger, Fallert, Webb, McNeil and Carter, relating to port authorities.

**HB 1400**, introduced by Representatives Cox, Jones (89), Sater, Smith (150), Burlison, Wells, Funderburk, Munzlinger, Schad and Grisamore, relating to business premises safety.

**HB 1401**, introduced by Representatives Cox, Funderburk, Munzlinger, Sater, Schad and Grisamore, relating to payment of rent when a leased residence is destroyed.

**HB 1402**, introduced by Representatives Cox, Jones (89), Funderburk, Munzlinger, Sater, Schad and Grisamore, relating to wells exempted from regulation.

**HB 1403**, introduced by Representatives Cox, Sater and Grisamore, relating to the Andrew Jackson Vote Restoration Act.

**HB 1404**, introduced by Representatives Cox, Munzlinger, Sater, Schad and Grisamore, relating to the neglect and control of animals.

**HB 1405**, introduced by Representatives Cox, Funderburk, Sater and Grisamore, relating to dissolution of marriage.

**HB 1406**, introduced by Representatives Cox, Jones (89), Funderburk, Sater and Grisamore, relating to full orders of protection.

**HB 1407**, introduced by Representatives Cox, Gatschenberger, Funderburk and Grisamore, relating to the uniform premarital agreement act.

**HB 1408**, introduced by Representatives Cox, Gatschenberger, Schad, Jones (89), Funderburk, Burlison, Denison, Dusenber, Koenig, Ruestman, Allen, Wilson (119), Sander, Grisamore, Bivins and Munzlinger, relating to interest on overpayments of taxes.

**HB 1409**, introduced by Representatives McGhee, Nance, Dieckhaus, Wells, Smith (150), Gatschenberger, Ruestman, Walton Gray, Guest, Sater and Grisamore, relating to utility payments.

**HB 1410**, introduced by Representatives McGhee and Hoskins (121), relating to a tax credit for processed biomass engineered fiber fuel.

**HB 1411**, introduced by Representatives McGhee, Nance, Ruestman, Walton Gray, Wells, Guest and Grisamore, relating to certain parties being allowed to prosecute their claims and defenses without the assistance of an attorney.

**HB 1412**, introduced by Representatives McGhee and Grisamore, relating to the Missouri state park board.

**HB 1413**, introduced by Representative McGhee, relating to the use of state resources by political subdivisions to seek the death penalty.

**HB 1414**, introduced by Representatives McGhee, Tilley, Deeken, Emery, Largent, Zerr, Fisher (125), Kraus, Allen, Smith (150), Flanigan and Koenig, relating to benefits provided to elected or appointed officials.

**HB 1415**, introduced by Representatives McGhee, Roorda and Walton Gray, relating to the right to clemency in capital cases.

**HB 1416**, introduced by Representatives Fallert, Schieffer, Still, Oxford, Walton Gray, Meadows and Roorda, relating to the Missouri worker freedom act.

**HB 1417**, introduced by Representatives Fallert, Roorda, Meadows, Corcoran, Lampe, Hodges, Schieffer and Carter, relating to the Missouri Rx plan.

**HB 1418**, introduced by Representatives Fallert, Roorda, Meadows, Corcoran, Lampe, Hodges and Schieffer, relating to workers' compensation.

**HB 1419**, introduced by Representatives Fallert, Roorda, Meadows, Lampe, Hodges and Schieffer, relating to safety precautions for trailer and semitrailer operators.

**HB 1420**, introduced by Representative Franz, relating to collection of delinquent taxes.

**HB 1421**, introduced by Representative Franz, relating to juvenile court jurisdiction.

**HB 1422**, introduced by Representative Franz, relating to county inmate work and service programs.

**HB 1423**, introduced by Representative Franz, relating to banking institution tax credits.

**HB 1424**, introduced by Representative Franz, relating to collection of taxes.

**HB 1425**, introduced by Representatives Funderburk, Jones (89), McGhee, Zerr, Gatschenberger, Fischer (107), Kraus, Jones (117), Smith (14) and Koenig, relating to an official designation of the Christmas season.

**HB 1426**, introduced by Representatives Funderburk, Dusenberg, Allen, Parkinson, Dieckhaus, Nolte, Lair, Grill, Schieffer, Kraus, Scharnhorst, Day, Denison, Weter, Burlison, Zerr, Fisher (125), Smith (150), Lampe, Zimmerman, Ruestman, Fischer (107), Schad, Norr, Corcoran, Webber, Wilson (119), Nance, Flanigan and Koenig, relating to the telemarketing no-call list.

**HB 1427**, introduced by Representatives Biermann, Schieffer, Roorda, Still, Pace and Grisamore, relating to harassment or stalking of a person.

**HB 1428**, introduced by Representatives Biermann, Fallert, Roorda, Walton Gray, Hodges, Yaeger, Shively, Meadows, Schieffer, Gatschenberger, Lampe, Still, Pace and Grisamore, relating to the A+ schools program.

**HB 1429**, introduced by Representatives Flook, Grisamore, Englund and Roorda, relating to school bus safety belts.

**HB 1430**, introduced by Representatives Flook, Gatschenberger, Ruestman, Funderburk, Emery, Scharnhorst, Grisamore and Roorda, relating to criminal nonsupport.

**HB 1431**, introduced by Representatives Flook, Jones (89), Ervin, Funderburk, Nance, Grisamore, Ruestman, Emery, Scharnhorst and Norr, relating to the use of tax revenue to purchase alcohol.

**HB 1432**, introduced by Representatives Flook, Komo, Funderburk, Grisamore and Roorda, relating to port authorities.

**HB 1433**, introduced by Representatives Flook, Colona and Schieffer, relating to property exempt from attachment.

**HB 1434**, introduced by Representatives Flook, Kander, Jones (117), Burnett, Denison, Fischer (107), Kraus, Low, Molendorp, Grill, Nance, Harris, Gatschenberger, Holsman, Munzlinger, Grisamore, Funderburk, Allen, Thomson, Zimmerman, LeVota, Roorda, Carter, Hummel, Kirkton, McClanahan, McNeil, Norr, Oxford, Schupp, Storch, Talboy, Webb, Webber, Englund and Atkins, relating to ethics.

**HB 1435**, introduced by Representatives Denison, Wells, Grisamore and Flanigan, relating to the board of trustees for the Missouri consolidated health care plan.

**HB 1436**, introduced by Representatives Denison, Atkins, Norr, Allen and Grisamore, relating to license plate tabs.

**HB 1437**, introduced by Representatives Denison, Wells, Allen, Norr, Atkins, Dieckhaus and Grisamore, relating to license plates.

**HB 1438**, introduced by Representatives Denison, Atkins, Allen, Grisamore, Wells and Norr, relating to license plate tabs.

**HB 1439**, introduced by Representatives Denison, Flanigan and Grisamore, relating to fish and game.

**HB 1440**, introduced by Representatives Denison and Grisamore, relating to registration of real estate appraisal management companies.

**HB 1441**, introduced by Representatives Kuessner, Englund, Yaeger, Nasheed, Funderburk, Nance, Casey, Lampe, Scavuzzo, Schieffer and Still, relating to petition circulators.

**HB 1442**, introduced by Representatives Jones (89), Richard, Carter, Funderburk, Ruzicka, Roorda, Munzlinger, Grisamore and Flanigan, relating to city sales taxes.

**HB 1443**, introduced by Representative Jones (89), relating to a one year statute of limitations.

**HB 1444**, introduced by Representatives Jones (89), Schaaf, Nance, Funderburk, Roorda, Grisamore, Smith (150), Flanigan, Fischer (107), Koenig and Lampe, relating to notice for certain public meetings.

**HB 1445**, introduced by Representatives Jones (89), Kander, Schaaf, Nance, Funderburk, Grill, Roorda, Grisamore, Smith (150), Flanigan, Fischer (107), Koenig and Lampe, relating to public records and meetings.

**HB 1446**, introduced by Representatives Jones (89), Funderburk, Grisamore and Flanigan, relating to the sale of certain products and plans associated with certain loan transactions.

**HB 1447**, introduced by Representatives Carter, Hummel, Jones (63), Kirkton, Pace, Englund, Nasheed, Corcoran, Lampe, Still, Oxford, Scharnhorst, Colona, Schieffer, Roorda, Walton Gray, Zimmerman, Chappelle-Nadal, Fischer (107) and Atkins, relating to caseload standards for certain state agencies.

**HB 1448**, introduced by Representative Viebrock, relating to stealing leased property.

**HB 1449**, introduced by Representatives Allen, McClanahan, Lampe, Wilson (119), Cooper, Funderburk, Grisamore, Jones (89), Flanigan, Wells, Kirkton, McNeil, Walton Gray, Quinn, Jones (117), Atkins, Gatschenberger, Schieffer, Englund and Oxford, relating to advanced practice registered nurses.

**HB 1450**, introduced by Representatives Allen, Lampe, Bivins, Grisamore, Flanigan, Funderburk and Carter, relating to the first steps program.

**HB 1451**, introduced by Representative Lipke, relating to restitution.

**HB 1452**, introduced by Representative Lipke, relating to recognizance for writs of attachment.

**HB 1453**, introduced by Representative Lipke, relating to the unlawful use of weapons.

**HB 1454**, introduced by Representatives Brandom, Cooper, Funderburk, Ruestman, Guest, Wells, Schaaf, Hoskins (121) and Davis, relating to landlord/tenant actions in small claims court.

**HB 1455**, introduced by Representatives Brandom, Hodges, Grisamore and Swinger, relating to blasting safety.

**HB 1456**, introduced by Representatives Kirkton, Roorda, Walton Gray, McNeil, Grisamore, Jones (63), Englund, Allen, Yaeger, McClanahan, Still, Corcoran, Oxford, Atkins, Schieffer and Lampe, relating to the MO HealthNet oversight committee.

**HB 1457**, introduced by Representatives Fallert, Fischer (107), Schieffer, LeVota, Storch and Scavuzzo, relating to the small business incubators act.



**HB 1458**, introduced by Representatives Thomson, Roorda, Kraus, Funderburk, Shively, Molendorp, Scavuzzo, Nolte, Ruzicka, Nance, Bivins, Deeken, Schieffer, Munzlinger and Wilson (130), relating to motor fuel tax exemptions.

**HB 1459**, introduced by Representatives Thomson, Nance, Schieffer, Ruzicka, Munzlinger and Wilson (130), relating to appropriations to small schools.

**HB 1460**, introduced by Representative Hodges, relating to county officers.

**HB 1461**, introduced by Representative Hodges, relating to distribution of controlled substances.

**HB 1462**, introduced by Representative Hodges, relating to fresh pursuit powers for fourth class city police officers.

**HB 1463**, introduced by Representative Hodges, relating to sensory processing disorder.

**HB 1464**, introduced by Representative Hodges, relating to residential use of oxygen tanks and apparatuses.

**HB 1465**, introduced by Representative Hodges, relating to liability for gratuitous services.

**HB 1466**, introduced by Representatives Smith (150), Tilley, Dieckhaus, Brown (149), Scharnhorst, Allen, Pratt, Thomson, Davis, Kraus, Burlison, Funderburk, Day, Koenig, Munzlinger, Nance, Jones (89), Ruzicka, Schad, Flanigan, Grisamore and Schoeller, relating to the oversight of public funds.

**HB 1467**, introduced by Representatives Nance, Funderburk, Walton Gray, Storch, Grisamore, Kirkton and Sater, relating to health insurance for uninsured children.

**HB 1468**, introduced by Representatives Brandom, Hodges, Swinger and Wright, relating to the establishment of the Missouri catastrophe fund.

**HB 1469**, introduced by Representatives Wallace, Funderburk, Molendorp, Fisher (125), Fischer (107), Sater, Dethrow, Wasson, Schieffer, Dieckhaus, Rucker, Lair, Nance, Wells, Kraus, Kingery, Loehner, Shively, Day, Aull, Ruzicka, Bivins, Nolte, Roorda, Corcoran, Deeken, Flook, Smith (150), Flanigan, Munzlinger, Scharnhorst, Gatschenberger, Hodges and Wilson (130), relating to motor fuel tax exemptions.

**HB 1470**, introduced by Representatives Frame, LeVota, Kuessner, Brown (50), Burnett, Dougherty, Hoskins (80), Liese, Schoemehl, Salva, Skaggs, Spreng, Swinger, Walsh, Aull, Casey, Corcoran, Hughes, Lampe, Low, Meadows, Meiners, Oxford, Roorda, Storch, Witte, Yaeger, Curls, Fallert, Grill, Hodges, Harris, Komo, Kratky, McClanahan, Nasheed, Norr, Quinn, Scavuzzo, Schieffer, Shively, Talboy, Zimmerman, Atkins, Carter, Colona, Englund, Fischer (107), Hummel, Jones (63), Kelly, Kirkton, McDonald, McNeil, Morris, Pace, Schupp, Still, Walton Gray, Webb and Webber, relating to elections.

**HB 1471**, introduced by Representatives Scavuzzo and Molendorp, relating to sales taxes for public safety purposes.

**HB 1472**, introduced by Representatives Franz, Schad, Flanigan, Largent, Funderburk, Grisamore and Wells, relating to the scheduling of 1-Pentyl-3-(1-naphthoyl) indole as a controlled substance.

**HB 1473**, introduced by Representative Thomson, relating to the Access Missouri Scholarship.

**HB 1474**, introduced by Representatives Hughes and Walton Gray, relating to the use of credit scores by insurance companies.

**HB 1475**, introduced by Representatives Hughes and Walton Gray, relating to use of credit scores by employers.

**HB 1476**, introduced by Representatives Hughes, Chappelle-Nadal and Walton Gray, relating to an economic development grant program.

**HB 1477**, introduced by Representatives Hughes and Walton Gray, relating to the labeling of food.

**HB 1478**, introduced by Representatives Hughes, Carter and Walton Gray, relating to expungement of certain criminal records.

**HB 1479**, introduced by Representative Hughes, relating to the land assemblage tax credit program.

**HB 1480**, introduced by Representatives Hughes and Walton Gray, relating to the Missouri Universal Health Insurance Act.

**HB 1481**, introduced by Representatives Hughes, McClanahan and Walton Gray, relating to title loans.

**HB 1482**, introduced by Representative Hughes, relating to repealing intervention fees for parolees.

**HB 1483**, introduced by Representative Hughes, relating to duty free zones.

**HB 1484**, introduced by Representatives Hughes, Chappelle-Nadal and Walton Gray, relating to state contracts.

**HB 1485**, introduced by Representatives Hughes and Walton Gray, relating to adoption.

**HB 1486**, introduced by Representatives Gatschenberger and Smith (14), relating to hearing officers for appeals before the state tax commission.

**HB 1487**, introduced by Representatives Tilley, Pratt, Loehner, Hoskins (121), Molendorp, Guernsey, Kraus, Largent, Flook, Diehl, Guest, Wilson (130), Nolte, Smith (150), Cox, Riddle, Brandom, Faith, Grisamore, Cooper, Munzlinger, Nance, Brown (149), Casey, Nasheed, Carter, Allen, McNary, Lair, Dieckhaus, Gatschenberger, Scharnhorst, Day, Thomson, Icet, Schoeller, Self and Jones (117), relating to ethics.

**HB 1488**, introduced by Representatives Jones (89), Funderburk, Dixon, Grisamore, Cox and Schieffer, relating to unlawful discriminatory practices in employment.

**HB 1489**, introduced by Representative Still, relating to the Missouri housing development commission.

**HB 1490**, introduced by Representatives McGhee, Deeken, Sander, Oxford, Chappelle-Nadal, Frame and Flanigan, relating to ballots and voting equipment.

**HB 1491**, introduced by Representatives Walton Gray, Pace, Colona, Fallert, Carter, Chappelle-Nadal, Hoskins (80), Nasheed and Brown (50), relating to liquor control.

**HB 1492**, introduced by Representatives Harris, Roorda and Fallert, relating to a sales tax for funding county public health centers.

**HB 1493**, introduced by Representative Schaaf, relating to diagnostic imaging services.

**HB 1494**, introduced by Representative Schaaf, relating to the transfer of property by state universities.

**HB 1495**, introduced by Representative Schaaf, relating to health insurance.

**HB 1496**, introduced by Representative Schaaf, relating to the agriculture promotion and marketing fund.

**HB 1497**, introduced by Representatives Smith (150), Tilley, Pratt, Dieckhaus, Brown (149), Scharnhorst, Allen, Davis, Kraus, Burlison, Funderburk, Nance, Jones (89), Ruzicka, Denison, Ruestman, Bivins, Smith (14), Schad, Flanigan, Grisamore and Schoeller, relating to vacancies in certain statewide offices.

**HB 1498**, introduced by Representatives Jones (89), Schaaf, Carter, Funderburk, Lampe, Roorda, Cox, Colona, Ruestman and Grisamore, relating to the payment of health insurance claims.

**HB 1499**, introduced by Representative Sater, relating to the state legal expense fund.

**HB 1500**, introduced by Representatives Tilley, Pratt, Loehner, Hoskins (121), Molendorp, Guernsey, Kraus, Largent, Flook, Diehl, Guest, Wilson (130), Nolte, Smith (150), Cox, Riddle, Brandom, Faith, Grisamore, Cooper, Munzlinger, Nance, Brown (149), Casey, Nasheed, Carter, Allen, McNary, Lair, Dieckhaus, Gatschenberger, Scharnhorst, Thomson, Icet, Schoeller, Self, Jones (117), Stream, Kelly, Burlison, Flanigan and Schad, relating to ethics.

**HB 1501**, introduced by Representative Guest, relating to insurance disclosures.

**HB 1502**, introduced by Representative Guest, relating to the creation of exhibition and recreational facility districts.

**HB 1503**, introduced by Representatives Weter, Wasson and Wallace, relating to circuit judges and judicial circuits.

**HB 1504**, introduced by Representative Schaaf, relating to higher education.

**HB 1505**, introduced by Representative Day, relating to sewer district trustees.

**HB 1506**, introduced by Representatives Smith (150), Dieckhaus, Brown (149), Scharnhorst, Allen, Pratt, Thomson, Davis, Kraus, Burlison, Funderburk, Day, Koenig, Jones (89), Ruzicka, Gatschenberger, Fischer (107), Lair, Ruestman, Bivins, Schad, Flanigan, Grisamore and Schoeller, relating to the Missouri firearms freedom act.

**HB 1507**, introduced by Representative Sutherland, relating to county assessment funds.

**HB 1508**, introduced by Representatives Still, Burnett, Quinn, Schupp, Meadows, Carter, Jones (63), Storch, Kelly, Norr, Fischer (107), McNeil, Walton Gray, Calloway, Hodges, Zimmerman, Aull, McClanahan, Kirkton and Pace, relating to payday loans.

**HB 1509**, introduced by Representatives Still, Burnett, Quinn, Schupp, Meadows, Jones (63), Kelly, Norr, McNeil, Walton Gray, Calloway, Hodges, Aull, McClanahan, Kirkton and Pace, relating to unsecured loans of less than five hundred dollars.

**HB 1510**, introduced by Representatives Flook and Nolte, relating to ballroom dance curriculum in public schools.

**HB 1511**, introduced by Representatives Flook, Diehl, Brandom, Corcoran, Komo, Zerr, Scharnhorst, Brown (50), Jones (117), Deeken, Faith, Nolte, Munzlinger, Dieckhaus, Burlison, Silvey, Lair, Grisamore, Storch, Talboy, Burnett, Webb, Holsman, Rucker, Frame, Bivins, Funderburk, Jones (89), Nance, Schaaf, Wasson, Fisher (125), Stevenson, Schad, Nasheed, Fallert, Yaeger, Carter, Kirkton, Fischer (107), Brown (149), Webber, Grill, Englund, Denison, Wells, Flanigan, Wright, Lampe, Still, Zimmerman, Day, Bruns, Hoskins (121), Kander, Schupp and McNeil, relating to science and innovation reinvestment.

**HB 1512**, introduced by Representatives Flook, Diehl, Brandom, Corcoran, Komo, Zerr, Brown (50), Scharnhorst, Deeken, Jones (117), Hoskins (121), Burlison, Dieckhaus, Fisher (125), Stevenson, Schad, Nasheed, Day, Bruns, Munzlinger, Fallert, Nolte, Faith, Yaeger, Grisamore, Silvey, Lair, Carter, Kirkton, Fischer (107), Frame, Rucker, Storch, Holsman, Webb, Burnett, Talboy, Bivins, Schaaf, Nance, Jones (89), Funderburk, Wasson, Brown (149), Webber, Grill, Englund, Denison, Wells, Schupp, Kander, Flanigan, Hobbs and Wright, relating to business development.

**HB 1513**, introduced by Representatives Flook, Brandom, Day, Zerr, Diehl, Bruns, Komo, Wasson, Corcoran, Brown (50), Fisher (125), Nolte, Stevenson, Schad, Burlison, Nasheed, Dieckhaus, Munzlinger, Fallert, Faith, Yaeger, Grisamore, Silvey, Lair, Carter, Kirkton, Fischer (107), Frame, Rucker, Storch, Holsman, Webb, Burnett, Talboy, Bivins, Schaaf, Jones (117), Nance, Jones (89), Funderburk, Brown (149), Webber, Grill, Denison, Deeken, Englund, Hobbs, Scharnhorst, Flanigan and Wright, relating to data storage center and server farm facilities.

**HB 1514**, introduced by Representatives Smith (150), Dieckhaus, Brown (149), Scharnhorst, Allen, Pratt, Thomson, Davis, Kraus, Burlison, Hoskins (121), Funderburk, Koenig, Nance, Jones (89), Ruzicka, Gatschenberger, Fischer (107), Bivins, Schad, Flanigan, Grisamore and Schoeller, relating to interest on overpayments of taxes.

**HB 1515**, introduced by Representatives Funderburk, Gatschenberger, Day, Smith (14), Burlison, Jones (89), Nieves, Komo, Ruestman, Faith, Smith (150), Dusenberger, Sater, Dethrow, Wilson (119), Schieffer, Riddle, Zerr, Jones (117), Flanigan and Koenig, relating to the Missouri firearms freedom act.

**HB 1516**, introduced by Representative Smith (150), for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

**HB 1517**, introduced by Representative Viebrock, relating to impoundment of animals.

**HB 1518**, introduced by Representatives Still, Kelly and Tilley, relating to the Missouri housing development commission.

**HB 1519**, introduced by Representatives Hoskins (80) and Pace, relating to assault.

**HB 1520**, introduced by Representatives Smith (150), Kraus, Dieckhaus, Brown (149), Scharnhorst, Allen, Pratt, Davis, Burlison, Funderburk, Day, Koenig, Jones (89), Ruzicka, Fischer (107), Bivins, Schad, Tilley, Flanigan, Grisamore and Schoeller, relating to income tax exemptions.

**HB 1521**, introduced by Representatives Nance, Pratt, Chappelle-Nadal, Meadows, Scharnhorst, Jones (89), Grisamore, Atkins, Allen, Bivins, Pace, Sater and Fisher (125), relating to the amber and silver alert system.

**HB 1522**, introduced by Representatives Kuessner, Fischer (107), Walton Gray, Molendorp, McGhee, Roorda, Talboy and Aull, relating to gift certificates.

**HB 1523**, introduced by Representative Hoskins (80), relating to uterine fibroids.

**HB 1524**, introduced by Representatives Largent, Sater, Hoskins (121), Funderburk, Jones (89) and Day, relating to military forces.

**HB 1525**, introduced by Representatives Schaaf, McClanahan, Jones (63), Jones (89), Zerr and Cooper, relating to the standard of care for the treatment of persons with bleeding disorders.

**HB 1526**, introduced by Representative Schaaf, relating to state purchasing.

**HB 1527**, introduced by Representative Schaaf, relating to nonpartisan elections.

**HB 1528**, introduced by Representatives Schaaf and Scharnhorst, relating to HVAC services.

**HB 1529**, introduced by Representatives Munzlinger, Wallace, Schad, Guernsey, Nance, Grisamore, Lair, Wells, Schaaf, Bivins, Nolte, Funderburk, Fisher (125), Pratt and Ruzicka, relating to motor fuel tax exemptions.

**HB 1530**, introduced by Representatives Smith (14), Webber, Jones (89), Gatschenberger, Nieves, Wallace and Kander, relating to military leave for public employees.

**HB 1531**, introduced by Representatives Dugger, Wells, Sater, Wallace, Ruestman, Grisamore, Schad, Atkins, Schupp, Kelly, Denison, Guernsey, Zerr, Pollock, Franz and Hoskins (121), relating to nonpartisan elections.

**HB 1532**, introduced by Representatives Fischer (107), Roorda, Englund, Talboy and Carter, relating to children as passengers on certain heavy equipment.

**HB 1533**, introduced by Representatives Fischer (107) and Norr, relating to the Missouri local government employees' retirement system.

**HB 1534**, introduced by Representatives Fischer (107), Talboy, Englund and Carter, relating to unlicensed child care providers.

**HB 1535**, introduced by Representatives Fischer (107), Tilley, Roorda, Englund, Talboy and Carter, relating to coroner duties.

**HB 1536**, introduced by Representatives Fischer (107), Roorda, Englund, Talboy and Carter, relating to motor vehicle certificates of ownership.

**HB 1537**, introduced by Representatives Fischer (107), Roorda, Englund, Walton Gray, Talboy, Fallert and Carter, relating to a tax credit for certain reserve public safety officers.

**HB 1538**, introduced by Representative Dusenberg, relating to driver's license qualifications.

**HB 1539**, introduced by Representatives Roorda, Schieffer and Meadows, relating to schedule II controlled substances.

**HB 1540**, introduced by Representative Lipke, relating to infractions.

**HB 1541**, introduced by Representatives Ruzicka, Sater and Franz, relating to primary elections.

**HB 1542**, introduced by Representatives Deeken and Storch, relating to sale of liquor.

**HB 1543**, introduced by Representatives Wallace, Fisher (125), Hummel, Fischer (107), Shively, Cunningham, Flanigan, Thomson, Smith (150), Nance, Cox, Ruzicka, Hodges, Sater, Scavuzzo, Munzlinger, Yaeger, Wilson (130), Roorda, Lampe, Corcoran, Schad, Hoskins (121), Aull, Dieckhaus, Parson, Kingery, Lair, Weter, McNary, Dusenberg, Wilson (119), Swinger and Loehner, relating to school protection measures.

**HB 1544**, introduced by Representative Fisher (125), relating to unemployment compensation.

**HB 1545**, introduced by Representative Wilson (119), relating to depositaries for public funds.

**HB 1546**, introduced by Representatives Harris, Sander, Schieffer, Meadows, Davis, Hodges, Shively and Scavuzzo, relating to abortion.

**HB 1547**, introduced by Representatives Corcoran, Walsh, Kratky, Jones (63), Oxford, Storch, Walton Gray and Schieffer, relating to elections.

**HB 1548**, introduced by Representatives Calloway, Kirkton, Still, Schieffer and Gatschenberger, relating to student athlete head injuries.

**HB 1549**, introduced by Representative Calloway, relating to mandatory recording of certain custodial interrogations.

**HB 1550**, introduced by Representative Calloway, relating to fairness in the infliction of the death penalty.

**HB 1551**, introduced by Representatives Emery, Icet, Jones (89), Flanigan, Fisher (125), Allen, Cooper, Stevenson, Sander, Kraus, Thomson, Schaaf, Franz, Ruzicka, Funderburk, Cox, Harris, Ruestman, Schad, McGhee, Stream, Davis, Wells, Dugger, Dethrow, Ervin, Richard, Faith, Largent, Wright, Jones (117) and Bivins, relating to sexually oriented businesses.

### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1324**.

#### **SENATE RESOLUTION NO. 1324**

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninety-fifth General Assembly is duly convened and is now in session and ready for consideration of business.

### **COMMITTEE APPOINTMENT**

January 6, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following members to the Special Standing Committee on Governmental Accountability and Ethics Reform:

Representative Kevin Wilson, Chairman  
Representative Sally Faith, Vice Chairman  
Representative Ellen Brandom

Representative Mark Bruns  
Representative David Day  
Representative Jerry Nolte  
Representative Scott Lipke  
Representative John Burnett  
Representative Shalonn Curls  
Representative James Morris  
Representative Gina Walsh  
Representative Terry Witte

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## **WITHDRAWAL OF HOUSE JOINT RESOLUTION**

December 22, 2009

Dear Adam,

Please withdraw **House Joint Resolution No. 59** from this year's bills due to a drafting error.

I will be re-filing the corrected version of the bill as soon as we receive the corrected copy.

Thank you for your consideration.

With best regards,

/s/ Representative Mike McGhee  
District 122

## **WITHDRAWAL OF HOUSE BILLS**

December 14, 2009

Chief Clerk Adam Crumbliss  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I would like to withdraw **House Bill No. 1261**. I intend to refile a different version of this bill.

I thank you for your attention to this request.

Sincerely,

/s/ Sam Komo  
Representative, 90<sup>th</sup> District

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December 4, 2009

Mr. Adam Crumbliss  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss,

I respectfully request **House Bill No. 1292** be withdrawn. Thank you for your assistance in this matter.

Warmest regards,

/s/ Jason Holsman  
State Representative  
District 45

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December 2, 2009

Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I respectfully request withdrawal of **House Bill No. 1312** relating to ethics.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Mike Talboy  
Missouri House of Representatives  
District 37

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December 14, 2009

Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives

Dear Chief Clerk,

I am requesting that **House Bill No. 1320** that I submitted regarding insurance coverage for care by athletic trainers be withdrawn due to a wording error. A replacement bill with the correct wording will be submitted.

Sincerely,

/s/ Mike Parson  
Representative  
District 133

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December 8, 2009

The Honorable Adam Crumbliss  
201 West Capitol Avenue, Room 306C  
Jefferson City, MO 65101

Dear Chief Clerk Crumbliss:

We discovered an error and therefore respectfully request **House Bill No. 1335** be withdrawn so that we can make a technical revision.

Sincerely,

/s/ Cynthia L. Davis  
Representative  
District 19

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January 5, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
201 W. Capitol Avenue  
Jefferson City, MO 65101

Dear Chief Clerk,

I respectfully request withdrawal of **House Bill No. 1369** expanding the list of schedule II controlled substances to include several nitrites.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Jeff Roorda  
State Representative  
District 102

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January 4, 2010

Mr. D. Adam Crumbliss  
Chief Clerk  
State Capitol, Room 306C  
Jefferson City, MO 65101

Dear Chief Clerk:

I respectfully request that **House Bill No. 1487** be withdrawn. We have had a number of representatives that have requested to sign on to this bill since we have filed it and therefore want to give them that opportunity.

Thank you for your consideration.

Sincerely,

/s/ Steven Tilley  
State Representative  
District 106

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January 5, 2010

Mr. Adam Crumbliss  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss,

I respectfully request **House Bill No. 1489** be withdrawn. Thank you for your assistance in this matter.

Sincerely,

/s/ Mary Wynne Still  
State Representative  
25<sup>th</sup> District

The following members' presence was noted: Calloway and Carter.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 7, 2010.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 7, 2010, 8:00 a.m. Hearing Room 5.

Testimony from individuals and providers regarding 2010 funding.

Witnesses heard in sign-up order. Call 573-751-1480.

Hearing 8:00-10:00 a.m. reconvene upon adjournment. CANCELLED

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Monday, January 11, 2010, 12:00 p.m. Hearing Room 5.

Department overview - Department of Health and Senior Services

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, January 12, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

**RETIREMENT**

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.

Informational meeting only with directors of the state retirement agencies.

No legislation will be discussed.

**SMALL BUSINESS**

Wednesday, January 13, 2010, 12:00 p.m. Hearing Room 3.

Joint committee meeting Small Business, Job Creation and Economic Development.

Informational meeting presentations by Small Business Development Center; National Federation of Independent Businesses

**SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 7.

Informational meeting with Steve Hamra, Bell City will present information hydroponic farms.

Presentations by Department of Conservation, Department of Agriculture and the Farm Bureau.

**HOUSE CALENDAR**

**SECOND DAY, THURSDAY, JANUARY 7, 2010**

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 3 and HCR 7

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

1 HJR 45 through HJR 58

2 HJR 60 through HJR 68

**HOUSE BILLS FOR SECOND READING**

- 1      HB 1202 through HB 1260
- 2      HB 1262 through HB 1291
- 3      HB 1293 through HB 1311
- 4      HB 1313 through HB 1319
- 5      HB 1321 through HB 1334
- 6      HB 1336 through HB 1368
- 7      HB 1370 through HB 1486
- 8      HB 1488
- 9      HB 1490 through HB 1551

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SECOND DAY, THURSDAY, JANUARY 7, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Former Representative Don Lograsso.

Let us pray. Lord, bless us and keep us. Keep us safe as we traverse the snow-packed roads of our beautiful State. Lord, protect our families.

Bless this General Assembly and each of its members.

Amen.

The Pledge of Allegiance to the flag was recited.

## HOUSE RESOLUTION

Representative Richard offered House Resolution No. 47.

## HOUSE COURTESY RESOLUTION OFFERED AND ISSUED

House Resolution No. 46

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3 and HCR 7 were read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 45 through HJR 58, HJR 60 through HJR 68 were read the second time.

## SECOND READING OF HOUSE BILLS

HB 1202 through HB 1260, HB 1262 through HB 1291, HB 1293 through HB 1311, HB 1313 through HB 1319, HB 1321 through HB 1334, HB 1336 through HB 1368, HB 1370 through HB 1486, HB 1488 and HB 1490 through HB 1551 were read the second time.

### **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 5** - Rules

**HR 47** - Rules

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1311** - Special Standing Committee on Health Insurance

**HB 1341** - Special Standing Committee on Health Insurance

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 69**, introduced by Representatives Roorda, Webb, Walton Gray, Jones (63), Atkins, Corcoran, Lampe, Wells, Oxford, Fischer (107) and Schieffer, relating to the general assembly.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1552**, introduced by Representatives Schoeller, Zerr, Jones (89), Emery, Dieckhaus, Burlison and Schaaf, relating to school enrollment.

**HB 1553**, introduced by Representatives Schoeller, Emery, Bivins, Dieckhaus, Zerr, Jones (89), Schaaf and Burlison, relating to open enrollment by contract.

**HB 1554**, introduced by Representative Schoeller, relating to utilities.

**HB 1555**, introduced by Representative Schoeller, relating to a tax deduction for loan payments to repair a premises damaged by flooding.

**HB 1556**, introduced by Representatives McNeil, Schieffer, Chappelle-Nadal, Atkins and Walton Gray, relating to election judges.

**HB 1557**, introduced by Representative Kelly, relating to transient guest taxes for certain cities.

**HB 1558**, introduced by Representatives Biermann, Still, Roorda, Schieffer, Walton Gray and Atkins, relating to rental companies.

**HB 1559**, introduced by Representative Brown (30), relating to library reports.

**HB 1560**, introduced by Representatives Roorda, Kuessner, Harris, Atkins, Oxford, Fischer (107) and Schieffer, relating to the Agreement Among the States to Elect the President by National Popular Vote Act.

**HB 1561**, introduced by Representative Roorda, relating to an excise tax to fund the state children's health insurance program.

## **COMMITTEE APPOINTMENTS**

January 7, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Steve Hobbs to serve as Chairman of the Committee on Insurance Policy.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 7, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Charlie Denison to serve as Chairman of the Special Standing Committee on Infrastructure & Transportation Funding.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker



The following members' presence was noted: Allen, Atkins, Aull, Biermann, Brandom, Brown (30), Brown (149), Bruns, Burlison, Calloway, Carter, Casey, Colona, Corcoran, Cunningham, Davis, Deeken, Denison, Diehl, Dixon, Dusenberger, Emery, Englund, Fallert, Fisher (125), Flanigan, Frame, Gatschenberger, Grisamore, Guernsey, Guest, Harris, Hodges, Hoskins (80), Hoskins (121), Hummel, Jones (89), Jones (117), Keeney, Kelly, Kingery, Kirkton, Komo, Kraus, Kuessner, Lampe, LeVota, Liese, Loehner, McClanahan, McDonald, McGhee, McNary, McNeil, Meadows, Molendorp, Morris, Munzlinger, Nasheed, Newman, Nieves, Norr, Oxford, Pace, Parkinson, Parson, Pollock, Quinn, Riddle, Roorda, Rucker, Ruestman, Ruzicka, Salva, Scharnhorst, Schieffer, Schupp, Self, Shively, Silvey, Smith (14), Spreng, Storch, Sutherland, Talboy, Thomson, Todd, Tracy, Viebrock, Vogt, Walsh, Walton Gray, Webb, Webber, Wells, Witte, Wright, Zerr and Zimmerman.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, January 11, 2010.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Monday, January 11, 2010, 12:00 p.m. Hearing Room 5.

Department overview - Department of Health and Senior Services

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, January 12, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

#### **BUDGET**

Tuesday, January 12, 2010, Hearing Room 3 upon morning adjournment.

Organizational meeting and public testimony.

**JOINT COMMITTEE ON EDUCATION**

Wednesday, January 13, 2010, 1:00 p.m. Hearing Room 1.

Election of Vice-Chair, review of Department of Elementary and Secondary Education critical needs budget request, Department of Higher Education presentation on higher education funding model.

**RETIREMENT**

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.

Informational meeting only with directors of the state retirement agencies.

No legislation will be discussed.

**SMALL BUSINESS**

Wednesday, January 13, 2010, 12:00 p.m. Hearing Room 3.

Joint committee meeting Small Business, Job Creation and Economic Development.

Informational meeting presentations by Small Business Development Center; National Federation of Independent Businesses

**SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 7.

Informational meeting with Steve Hamra, Bell City will present information hydroponic farms.

Presentations by Department of Conservation, Department of Agriculture and the Farm Bureau.

**HOUSE CALENDAR**

THIRD DAY, MONDAY, JANUARY 11, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 69

**HOUSE BILLS FOR SECOND READING**

HB 1552 through HB 1561

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRD DAY, MONDAY, JANUARY 11, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

O Lord, our Lord, how excellent is Your name in all the earth, Who have set Your glory above the heavens! When I consider Your heavens, the work of Your fingers, the moon and the stars, which You have ordained, who are we that You are mindful of us, or even worthy of Your visitation? You have made us to have dominion over the works of Your hands.

So we begin. The tasks are numerous, the work is difficult, and the answers are beyond our comprehension. We dare not attempt to tackle these difficult issues with only our collective expertise, intellect and abilities.

Grant us wisdom and understanding, patience and self-restraint along with humility.

Again, we ask that You help us to weigh our words, thoughts and motives before we speak or act. May we say the right things at the right time and for the right reason; weighing carefully the ramifications of our decisions.

I pray, Heavenly Father, that what is said and done in this place would not be self-serving, but advantageous to the people these representatives were elected to serve.

I ask these things in the name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the first day was approved as printed by the following vote:

AYES: 149

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Iceet	Jones 89	Jones 117	Kander	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris

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Munzlinger	Nance	Nasheed	Newman	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 002

Burnett                      Talboy

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 30	Brown 50	Hughes	Jones 63	Keeney
Low	Nieves	Tracy		

VACANCIES: 004

The Journal of the second day was approved as printed.

### **HOUSE RESOLUTIONS**

Representative Storch offered House Resolution No. 52.  
Representative Loehner offered House Resolution No. 67.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 48 through House Resolution No. 51  
House Resolution No. 53 through House Resolution No. 66

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Cunningham offered House Concurrent Resolution No. 12.  
Representative Ervin offered House Concurrent Resolution No. 13  
and House Concurrent Resolution No. 14.  
Representative Meadows, et al., offered House Concurrent Resolution No. 15.  
Representative Loehner, et al., offered House Concurrent Resolution No. 16.  
Representative Diehl offered House Concurrent Resolution No. 18.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 69** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 1552, HB 1553, and HB 1555** through **HB 1561** were read the second time.

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 7** - Agri-Business

**HCR 18** - Special Standing Committee on General Laws

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1377** - Healthcare Transformation

**HB 1442** - Special Standing Committee on General Laws

**HB 1497** - Elections

**HB 1511** - Job Creation and Economic Development

**HB 1543** - Elementary and Secondary Education

**INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 17**, introduced by Representatives Lair, Smith (150), Day, Jones (89), Wright, Nance, Flanigan, Denison, Bandom, Tracy and Munzlinger, relating to the disapproval of Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 70**, introduced by Representatives Kingery, Jones (89), Allen, Munzlinger, Colona, Scharnhorst, Grisamore, Roorda, Bivins, Dieckhaus, Sander, Schieffer, Gatschenberger, Schad, Guest, Walton Gray, Corcoran and Oxford, relating to the general assembly.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1562**, introduced by Representatives Kingery and Dethrow, relating to county classifications.

**HB 1563**, introduced by Representatives Kingery and Wilson (130), relating to suspension or expulsion of students.

**HB 1564**, introduced by Representatives Kingery, Grisamore, Lair and Kirkton, relating to public library district sales taxes.

**HB 1565**, introduced by Representatives Walton Gray and Chappelle-Nadal, relating to fire protection.

**HB 1566**, introduced by Representative Walton Gray, relating to civil service for fire protection districts and fire departments.

**HB 1567**, introduced by Representatives Meiners and Holsman, relating to the imposition of a transient guest tax by certain cities.

**HB 1568**, introduced by Representative Salva, relating to transient guest taxes for tourism.

**HB 1569**, introduced by Representative LeVota, relating to motor vehicles.

**HB 1570**, introduced by Representative Ervin, relating to health insurance.

**HB 1571**, introduced by Representatives Jones (117), Loehner, Nance, Ervin, Cox, Silvey, Guernsey, Wilson (130), Frame, Schlottach, Lair, Schieffer, Dusenberger, Wells, Pollock, Wilson (119), Diehl, Deeken, Nolte, Grisamore, Meadows, Dieckhaus, Schad, Day, Kraus, Kuessner and Brandom, relating to the daily expense allowance for senators and representatives.

**HB 1572**, introduced by Representatives Meadows, Norr, Walton Gray, Schieffer, Storch, Walsh, Jones (89), McDonald, Grisamore and Pace, relating to van accessible parking spaces.

**HB 1573**, introduced by Representatives Meadows, Schieffer, Walsh, McDonald, Grisamore and Pace, relating to licensure of emergency medical technicians.

**HB 1574**, introduced by Representatives Sander, Jones (117), Roorda and Brandom, relating to 911 emergency communications service.

**HB 1575**, introduced by Representative Hoskins (80), relating to license plates.

**HB 1576**, introduced by Representative Hoskins (80), relating to a tax credit for personal property taxes paid on motor vehicles.

**HB 1577**, introduced by Representative Hoskins (80), relating to income tax credit for the elderly.

**HB 1578**, introduced by Representative Calloway, relating to fire protection district board members.

**HB 1579**, introduced by Representatives Webber, Kander and Colona, relating to uniformed and overseas voters.

**HB 1580**, introduced by Representatives Smith (14) and Lampe, relating to the hero at home program.

## COMMUNICATION

January 11, 2010

Mr. D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Chapters 105.452 to 105.461, RSMo, this letter is an official report that I have invested in agriculture value-added cooperatives in which I may be eligible to receive New Generation Cooperative Incentive Tax Credits, loan guarantees or may benefit from incentive funds. I would not have more than a ten-percent interest in any of the value-added cooperatives.

In order to comply with Chapters 105.452 to 105.461, RSMo, please publish this report in the Journal of the House.

Sincerely,

/s/ Therese Sander  
Representative  
District 22

## WITHDRAWAL OF HOUSE BILLS

TO: Adam Crumbliss, Chief Clerk

FROM: Doug Ervin

DATE: January 11, 2010

RE: Bill Withdrawal

I wish to withdraw **House Bill No. 1374**.

Thank you.

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January 11, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
Room 306C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I respectfully request the withdrawal of **House Bill No. 1554**.

Thank you for your assistance in this matter. Please contact me if you can provide additional information.

Sincerely,

/s/ Shane Schoeller  
Representative  
District 139

The following members' presence was noted: Brown (50) and Hughes.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, January 12, 2010.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 13, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Department of Conservation and Department of Agriculture.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, January 12, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.



#### BUDGET

Tuesday, January 12, 2010, Hearing Room 3 upon morning adjournment.  
Organizational meeting and public testimony.

#### HIGHER EDUCATION

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 6.  
Midwestern Higher Education Compact presentation on 2010 Missouri State Report.  
Members of the Joint Committee on Education will also attend this presentation.

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, January 12, 2010, 5:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 1511

#### JOINT COMMITTEE ON EDUCATION

Wednesday, January 13, 2010, 1:00 p.m. Hearing Room 1.  
Election of Vice-Chair, review of Department of Elementary and Secondary Education critical needs budget request, Department of Higher Education presentation on higher education funding model.

#### RETIREMENT

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.  
Informational meeting only with directors of the state retirement agencies.  
No legislation will be discussed.

#### SMALL BUSINESS

Wednesday, January 13, 2010, 12:00 p.m. Hearing Room 3.  
Joint committee meeting Small Business, Job Creation and Economic Development.  
Informational meeting presentations by Small Business Development Center; National Federation of Independent Businesses

#### SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 7.  
Informational meeting with Steve Hamra, Bell City will present information hydroponic farms.  
Presentations by Department of Conservation, Department of Agriculture and the Farm Bureau.

#### SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, January 12, 2010, 5:00 p.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HCR 18

**HOUSE CALENDAR**

FOURTH DAY, TUESDAY, JANUARY 12, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 17

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 70

**HOUSE BILLS FOR SECOND READING**

HB 1562 through HB 1580

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FOURTH DAY, TUESDAY, JANUARY 12, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we give thanks for the trust placed in us through the call to serve the people of our districts. Help all our people in their needs, especially those who suffer from the cold of this winter, and protect those whose work keeps them in the cold most of the day.

As we resume thinking of budget and considering bills, give us the grace to fulfill the Word Your prophet shouts "...Do justice!" (*Micah 6:8*). If the money we have to work with shows a decrease, may the justice we practice show an increase.

Lord God, we pray for our President, and for Congress, and for the Judiciary. May Your Holy Spirit empower all of them to "do justice".

We pray for our armed forces, especially for those who are serving in areas of warfare. Preserve them from injury and death; bring them home soon.

To You be glory and honor, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Carson Foster and Ethan Foster.

The Journal of the third day was approved as corrected by the following vote:

AYES: 147

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Iceet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair

Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Calloway	Cooper	Hughes	Nieves
Quinn	Self	Shively	Still	Tracy
Webb				

VACANCIES: 004

### **SPECIAL RECOGNITION**

The Osage County R-1 Chamois High School Track Team was introduced by Representative Loehner and recognized for attaining the 2009 Class 1 State Championship.

The Lindenwood University Hockey Team was introduced by Representative Gatschenberger and recognized for attaining the 2009 National Championship.

### **HOUSE RESOLUTIONS**

Representative Deeken offered House Resolution No. 71.  
Representative Ictet offered House Resolution No. 72.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 68 through House Resolution No. 70  
House Resolution No. 73 through House Resolution No. 90

### **HOUSE CONCURRENT RESOLUTION**

Representative Holsman, et al., offered House Concurrent Resolution No. 19.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 17** was read the second time.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 70** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 1562** through **HB 1580** were read the second time.

**REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 71** - Rules

**HR 72** - Rules

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1542** - Tourism

**HB 1544** - Special Standing Committee on Workforce Development and Workplace Safety

**INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 20**, introduced by Representatives Dusenberg, Wallace, Munzlinger, Emery, Sater, Kraus, Grisamore, Fischer (107) and Riddle, relating to the designation of the Missouri State Highway Patrol's airport hangar in Jefferson City as the "Greim-May Memorial Hangar".

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 71**, introduced by Representative Koenig, relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1581**, introduced by Representatives Sutherland, Molendorp, Chappelle-Nadal, McDonald, Kirkton and Atkins, relating to public roadways.

**HB 1582**, introduced by Representative Sutherland, relating to no tax due statements.

**HB 1583**, introduced by Representatives Jones (117), Bruns, Nance, Still, Sater, Jones (89), Bivins, Loehner, Ruestman, Grisamore and Ruzicka, relating to the Missouri state employees' retirement system.

**HB 1584**, introduced by Representatives Jones (117), Nance, Atkins, Sater, Jones (89), Yaeger, Bivins, Grisamore, Dougherty and Wilson (119), relating to manufactured homes.

**HB 1585**, introduced by Representative Brown (30), relating to a special license plate.

**HB 1586**, introduced by Representatives Kirkton, Jones (63), Burnett, Walton Gray and Newman, relating to sales tax exemptions.

**HB 1587**, introduced by Representatives Grill, Diehl, Sutherland, Storch, Hughes, Brown (50), Nasheed, Still, Jones (63), Corcoran, Meadows, Schieffer, Roorda, Walton Gray, Yaeger, Rucker, Newman, Colona and Holsman, relating to tax credits for qualified film production projects.

**HB 1588**, introduced by Representative Molendorp, relating to the practice of dentistry.

**HB 1589**, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to competitive bid requirements.

**HB 1590**, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to certain county counselors.

**HB 1591**, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to abatement of nuisances.

**HB 1592**, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to building codes.

**HB 1593**, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to neighborhood improvement districts.

**HB 1594**, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to the extension of certain county taxes.

**HB 1595**, introduced by Representatives Dugger, Atkins, Diehl and Munzlinger, relating to projects by industrial development corporations.

**HB 1596**, introduced by Representative Pollock, relating to adverse possession.

**HB 1597**, introduced by Representatives Deeken and Fischer (107), relating to minimum pay for certain corrections employees.

**HB 1598**, introduced by Representatives Deeken and Fischer (107), relating to state employees.

**HB 1599**, introduced by Representatives Walsh, LeVota, Skaggs, Pace, Kratky, Walton Gray, Lampe, Nance, Harris, Funderburk, Meadows, Frame, Englund, Schieffer, Scavuzzo, Oxford, Carter and Corcoran, relating to unfair and deceptive practices in telephone billing for miscellaneous products or service.

**HB 1600**, introduced by Representative Dusenberg, relating to workers' compensation.

**HB 1601**, introduced by Representatives Nasheed, Tilley, Webb, Carter, Harris, Morris, Hoskins (80), Oxford, LeBlanc, Diehl, Calloway, Rucker, Pace, Walton Gray, Smith (150), Schoeller, Grisamore, Atkins and Jones (63), relating to the St. Louis police force.

**HB 1602**, introduced by Representatives Funderburk, Parkinson, Jones (89), Day, Fisher (125), Ruestman, Burlison, Nieves and Koenig, relating to the Missouri energy freedom act.

### **COMMITTEE APPOINTMENTS**

January 12, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Andrew Koenig to serve on the Special Standing Committee on Urban Issues.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 12, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Mike Leara to serve on the Judiciary Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 12, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jeanette Oxford to serve on the Special Standing Committee on Children and Families.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 12, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jeanie Riddle to serve on the Corrections and Public Institutions Committee.



If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 12, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Steve Webber and Representative Tishaura Jones to serve on the Job Creation and Economic Development Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## **COMMUNICATIONS**

January 12, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Mike Lair  
State Representative  
District 7

January 12, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I have invested in an agriculture value-added cooperative from which I have received a new generation cooperative incentive tax credit and from which I may be eligible to receive new generation cooperative loan guarantees. I may also benefit from incentive funds provided by the State to this cooperative. I do not have more than a ten percent interest in the cooperative.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

I thank you for your attention to this matter.

Sincerely yours,

/s/ Terry Witte  
State Representative  
District 10

The following members' presence was noted: Brown (50), Calloway, Cooper, Hughes, Quinn, Self, Shively and Still.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, January 13, 2010.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Third Day, Monday, January 11, 2010, Page 48, Line 5, by inserting immediately after said line the following:

### **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 52** - Rules

**HR 67** - Rules

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 13, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Missouri Department of Conservation and Missouri Department of Agriculture.

### **APPROPRIATIONS - EDUCATION**

Tuesday, January 19, 2010, 2:00 p.m. Hearing Room 1.

Organizational meeting and public testimony.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment. CANCELLED

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Department overview continued.

### **HEALTHCARE TRANSFORMATION**

Wednesday, January 13, 2010, 3:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1377

### **HIGHER EDUCATION**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 6.

Midwestern Higher Education Compact presentation on 2010 Missouri State Report.

Members of the Joint Committee on Education will also attend this presentation.

### **JOINT COMMITTEE ON EDUCATION**

Wednesday, January 13, 2010, 1:00 p.m. Hearing Room 1.

Election of Vice-Chair, review of Department of Elementary and Secondary Education critical needs budget request, Department of Higher Education presentation on higher education funding model.

### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.

First quarter meeting.

### **RETIREMENT**

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.

Informational meeting only with directors of the state retirement agencies.

No legislation will be discussed.

**SMALL BUSINESS**

Wednesday, January 13, 2010, 12:00 p.m. Hearing Room 3.

Joint committee meeting Small Business, Job Creation and Economic Development.

Informational meeting presentations by Small Business Development Center; National Federation of Independent Businesses.

**SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE**

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 7.

Informational meeting with Steve Hamra, Bell City will present information hydroponic farms.

Presentations by Department of Conservation, Department of Agriculture and the Farm Bureau.

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Public hearings to be held on: HB 1311, HB 1341

**HOUSE CALENDAR**

FIFTH DAY, WEDNESDAY, JANUARY 13, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 20

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 71

**HOUSE BILLS FOR SECOND READING**

HB 1581 through HB 1602

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTH DAY, WEDNESDAY, JANUARY 13, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Father, You are our refuge and strength; a present help in time of trouble. Even in the aftermath of an earthquake where buildings have crumbled and many are dead or injured in Haiti, You are a living hope and stability. As many seek out shelter and protection from debris, may You lead, guide and direct to places of safety. May the peace of God, that passes all understanding, guard hearts and minds. May Your love, mercy and grace be evident in abundance throughout the islands. May the lines of communication be quickly reestablished and roads opened in order that government and relief agencies are able to make proper assessments.

While hopelessness and despair are quickly becoming a constant companion with the residents of the island, may we rise up and be visible vessels of hope and encouragement. Guide us in a prayerful response to this tragedy so that we may be a help and not a hindrance, stability in instability, courage in the face of fear, and provision in growing lack.

Now, unto You, who is able to do exceedingly abundantly above all that we ask or think, according to the power that works in us, to You be glory to all generations, forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fourth day was approved as printed by the following vote:

AYES: 151

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Iceet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr

Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Talboy                      Witte

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway                      Cooper                      Hughes                      Loehner                      Tracy  
Wasson

VACANCIES: 004

## SPECIAL RECOGNITION

The Blair Oaks Lady Falcons Softball Team was introduced by Representative Bruns and recognized for attaining the 2009 Class 2 State Championship.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 91 through House Resolution No. 111

## HOUSE CONCURRENT RESOLUTIONS

Representative Scavuzzo, et al., offered House Concurrent Resolution No. 21.  
Representative Grill, et al., offered House Concurrent Resolution No. 22.  
Representative Storch, et al., offered House Concurrent Resolution No. 23.  
Representative Hoskins (121) offered House Concurrent Resolution No. 24.  
Representative Guest, et al., offered House Concurrent Resolution No. 25.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 20** was read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 71** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1581** through **HB 1602** were read the second time.

### COMMITTEE REPORT

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HCR 18**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, the current health care proposal being debated in the United States Congress will raise federal taxes and force new taxes on Missourians, which are detrimental to Missouri's economy; and

WHEREAS, Missouri families and employers may be facing even more mandates that drive up costs if the United States Congress passes the current health care proposal; and

WHEREAS, the federal government's attempt to reform health care has overwhelmingly centered around increasing eligibility to health care, but not addressing important issues such as increasing access, provider rates or quality of care; and

WHEREAS, the current health care proposal might allow the expenditure of public funds for abortions; and

WHEREAS, the current health care proposal works a substantial change to longstanding practices governing end of life decisions; and

WHEREAS, there has been a complete lack of transparency during the final negotiations to craft this legislation and special deals have already emerged that are going to put Missouri at a disadvantage; and

WHEREAS, the unfunded mandates and special deals will place greater pressure on Missouri taxpayers and put funding for education, mental health services, public safety, and all other essential state services at risk:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge our Missouri Congressional delegation to vote against the current health care proposal and to further request that our elected statewide officials express their respective positions on the passage of the current health care proposal and send a unified message to our Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urge our elected statewide officials to review the constitutionality of the current health care proposal, which includes several special deals for other states, including the "Nebraska kickback"; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, President Barack Obama, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 72**, introduced by Representatives Smith (150), Diehl, Dieckhaus, Ruzicka, Nance, Gatschenberger, Ruestman, Wilson (119), Koenig, Schad and Smith (14), relating to the executive department.

**HJR 73**, introduced by Representatives Storch, Kirkton, LeVota, Webb, Walton Gray, Kander, Still, Nasheed, Grill, Schupp, Schieffer, Oxford and Lampe, relating to congressional and legislative redistricting.

**HJR 74**, introduced by Representatives Gatschenberger, Smith (14), Emery, Jones (89), Grisamore, Funderburk, Fisher (125), Nolte and Schad, relating to health care services.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1603**, introduced by Representatives Scavuzzo, Harris and Talboy, relating to adverse possession.

**HB 1604**, introduced by Representatives Scavuzzo, Todd, Harris and Talboy, relating to newborn screenings.

**HB 1605**, introduced by Representative Molendorp, relating to storage fees for towed vehicles.

**HB 1606**, introduced by Representatives Sater, Schlottach, Wallace, Zerr, Schieffer, Jones (89), Lair, Funderburk, Munzlinger, Schad, Smith (150), Wilson (130) and Dougherty, relating to sales tax exemptions for farm equipment.

**HB 1607**, introduced by Representative Diehl, relating to the presiding judge's authority to make certain judicial assignments.

**HB 1608**, introduced by Representative Diehl, relating to the conveyance of property by husband and wife by tenancy by the entirety.

**HB 1609**, introduced by Representative Diehl, relating to assignment of associate circuit judges.

**HB 1610**, introduced by Representative Schoeller, relating to utilities.

**HB 1611**, introduced by Representatives Walsh, Meadows, Lampe, McNeil, Schieffer, Corcoran, Pace, Funderburk, Chappelle-Nadal, Oxford and Kratky, relating to orders of protection.

**HB 1612**, introduced by Representatives Molendorp and Scavuzzo, relating to sewer district trustees.



**HB 1613**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Still, Brown (50), Nasheed, Atkins, Grill, Schupp, Schieffer, Oxford, Grisamore, Lampe and Schoemehl, relating to the safe place for newborns act.

**HB 1614**, introduced by Representatives Storch, LeVota, Talboy, Webb, Still, Nasheed, Schupp, Schieffer, Oxford, Yaeger, Lampe and Schoemehl, relating to child-care facilities.

**HB 1615**, introduced by Representatives Storch, LeVota, Corcoran, Talboy, Webb, Komo, Still, Kander, Brown (50), Nasheed, Grill and Schupp, relating to a tax credit for qualified research expenses.

**HB 1616**, introduced by Representatives Storch, LeVota, Corcoran, Talboy, Webb, Komo, Still, Kander, Brown (50), Nasheed, Grill, Zimmerman and Schupp, relating to tax credits for qualified research expenses.

**HB 1617**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Still, Nasheed, Atkins, Grill, Schupp, Schieffer, Oxford and Yaeger, relating to towing.

**HB 1618**, introduced by Representatives Storch, Kirkton, LeVota, Talboy, Webb, Zerr, Komo, Nasheed, Schupp, Oxford and Sutherland, relating to sales tax exemptions.

**HB 1619**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Nasheed, Grill, Schupp, Schieffer, Oxford, Still and Schoemehl, relating to the twenty-first century scholars program.

**HB 1620**, introduced by Representatives Molendorp and Swinger, relating to insurance coverage for dental services.

**HB 1621**, introduced by Representatives McNeil, Sutherland, Roorda, Schieffer, Rucker, Carter, Fischer (107), Corcoran, Walton Gray, Atkins, Calloway, Hummel, Oxford, Pace, Hughes, Morris, Burlison, Emery and Zerr, relating to senior citizens property tax relief.

**HB 1622**, introduced by Representative Molendorp, relating to immunity from liability for certain volunteers.

**HB 1623**, introduced by Representative Molendorp, relating to the definition of a "public place" under the Indoor Clean Air Act.

**HB 1624**, introduced by Representative Sutherland, relating to the state park earnings fund.

**HB 1625**, introduced by Representatives Nance and Sater, relating to notices to parents or guardians of uninsured children.

**HB 1626**, introduced by Representatives Nance, Wells, Flanigan, Gatschenberger and Dougherty, relating to red light traffic violations.

**HB 1627**, introduced by Representatives Nance, Day, Fisher (125), Weter, Sater, Biermann, Ruestman, Wilson (130) and Atkins, relating to supplemental food stamp assistance.

**HB 1628**, introduced by Representatives Nasheed, Roorda, Atkins, Walton Gray, Carter, Storch, Englund, Wallace, Holsman, Fallert, Morris, Curls, Kelly, Hughes, Chappelle-Nadal, Grill, Talboy, Kander, Fischer (107), Oxford and McNary, relating to dropout prevention and recovery.

**HB 1629**, introduced by Representatives Nasheed, Roorda, Atkins, Walton Gray, Carter, Storch, Englund, Wallace, Holsman, Fallert, Morris, Curls, Kelly, Hughes, Talboy, Grill, Chappelle-Nadal, Kander, Fischer (107), Oxford and McNary, relating to the governor's dropout advisory commission.

**HB 1630**, introduced by Representative Viebrock, relating to residential and commercial septage pumpers.

**HB 1631**, introduced by Representatives Pollock, Allen, Grisamore, Fisher (125), Emery, Brown (149) and Wells, relating to sexual contact with a patient.

**HB 1632**, introduced by Representatives Pollock, Wells, Thomson, Schad, Fisher (125), Wilson (130) and Brown (149), relating to the unemployment compensation fund.

**HB 1633**, introduced by Representatives Pollock, Denison, Ruestman, Grisamore, Brown (149) and Wells, relating to caller location information.

**HB 1634**, introduced by Representatives Wells, Funderburk, Nance, Faith, Weter, Pollock, Thomson, Hoskins (121), Denison, Schad, Wilson (119), Wallace, Jones (117), Gatschenberger, McGhee, Fisher (125), Dugger, Sater, Dougherty, Franz, Yaeger, Brown (50), Sutherland, Nieves, Ruestman, Kingery, Zerr, Tilley, Tracy, Hodges, Lampe, McClanahan and Pratt, relating to the homeowner grant program fund.

**HB 1635**, introduced by Representatives Flook, Jones (89), Dusenberg, Kraus, Grisamore, Pollock, Deeken, Komo, Pratt, McGhee, Zerr, Storch, Kratky, Day, Lair, Corcoran, Fisher (125), Brandom, Allen, Burlison, Wilson (119), Grill, Dieckhaus, Schieffer, Munzlinger and Brown (50), relating to job growth.

**HB 1636**, introduced by Representative Wasson, relating to special event motor vehicle auction licenses.

**HB 1637**, introduced by Representative Wasson, relating to a special license plate for the Multiple Sclerosis Society.

**HB 1638**, introduced by Representative Wasson, relating to a special license plate for the Nixa Education Foundation.

**HB 1639**, introduced by Representative Wasson, relating to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects.

**HB 1640**, introduced by Representatives Roorda, Burnett, Talboy and Schieffer, relating to county court municipal judges.

**HB 1641**, introduced by Representatives Brown (50), Nasheed, Jones (63), Carter, Webb and Newman, relating to the Missouri universal health assurance program.

**HB 1642**, introduced by Representatives Brown (50), Corcoran, Walton Gray, Pace, Schieffer, Nance, Nasheed, Grill, Rucker, Hummel, Webb, Funderburk, Franz, Faith, Newman, Harris, Burlison, Fischer (107), Yaeger, Scavuzzo, Lair, Ruzicka, Denison, Wells and Pollock, relating to a tax credit for employers who hire high school students for summer jobs.

**HB 1643**, introduced by Representatives Brown (50), Walton Gray, Nasheed, Scavuzzo, Quinn, Todd, Fischer (107), McNeil, Webb, Calloway, Gatschenberger, Chappelle-Nadal, McDonald, Jones (63), Oxford, Hummel, Hughes, Komo, Storch, Schupp and Webber, relating to recording fees.

**HB 1644**, introduced by Representatives Riddle, McGhee, Dixon, Diehl, Brown (149), Hoskins (121), Guernsey, Zerr, Molendorp, Smith (150), Franz, Bruns, Cunningham, Jones (117), Nolte, Stream, Flook, Wallace, Kingery, Loehner, Sander, Gatschenberger, Day, Wright, Lair, Fisher (125), Smith (14), Flanigan, Allen, Wilson (119), Schad, Schoeller, Stevenson, Largent, Casey, Pace, Quinn and Fischer (107), relating to certain crimes involving mistreatment of a patient.

**HB 1645**, introduced by Representatives Hoskins (121), Dieckhaus, Nance, Wilson (130), Day, Ervin, Nolte, Kraus, Burlison, Lair, Flanigan, McNary, Cox, Schad, Wells, Largent, Molendorp, Brown (149), Wright and Smith (150), relating to the daily expense allowance for senators and representatives.

**HB 1646**, introduced by Representatives Cooper, Sater and Stevenson, relating to county courts in first class counties.

**HB 1647**, introduced by Representatives Cooper and Jones (89), relating to property taxation.

**HB 1648**, introduced by Representatives Cooper, Sater and Still, relating to permanent cosmetics.

**HB 1649**, introduced by Representatives Cooper, Sater, Still, Wells and Schaaf, relating to tobacco use on public school property.

**HB 1650**, introduced by Representatives Cooper, Dusenberg, Schaaf and Sater, relating to the state legal expense fund.

**HB 1651**, introduced by Representatives Cooper, Funderburk, Emery, Davis, Sander, Sater, Stream, Grisamore, Riddle, Schad and Pollock, relating to teacher academic freedom to teach scientific evidence regarding evolution.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 2**.

## COMMITTEE CHANGES

January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

RE: Appointments to the Joint Committee on Legislative Research

Dear Mr. Crumbliss:

Pursuant to Section 23.010, RSMo, I am appointing the following Representative to the Joint Committee on Legislative Research:

Representative Tom Flanigan

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Chris Kelly as a member of the Judiciary Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Tom McDonald as a member of the Special Standing Committee on Children and Families.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Cole McNary as vice chairman of the Special Standing Committee on Infrastructure and Transportation Funding.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Jeanie Riddle as a member of the Public Safety Committee, and appoint Representative Casey Guernsey as a member and as vice chairman of the Public Safety Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jeanie Riddle as a member of the Job Creation and Economic Development Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 13, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Martin Rucker as a member of the Budget Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## COMMUNICATION

January 13, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Chapter 105.461, RSMo, this letter is an official report that my father, Keith Sutherland, is the 12<sup>th</sup> Circuit Court Judge. Also, my brother, Christopher Sutherland, is employed by Senator John Griesheimer.

In order for me to comply with Chapter 105.461, RSMo, please publish this report in the Journal of the House.

/s/ Mike Sutherland  
Representative  
District 99

## WITHDRAWAL OF HOUSE BILL

January 13, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
201 W. Capitol Ave.  
Jefferson City, MO 65101

Dear Chief Clerk,

I respectfully request withdrawal of **House Bill No. 1278** regarding municipal court judges.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Jeff Roorda  
State Representative  
District 102

The following members' presence was noted: Brown (50), Calloway, Cooper, Hughes, Tracy and Wasson.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 14, 2010.

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 20, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Departments of Agriculture, Conservation and Natural Resources.  
2010 budget reports.

### **APPROPRIATIONS - EDUCATION**

Tuesday, January 19, 2010, 2:00 p.m. Hearing Room 1.

Organizational meeting and public testimony.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Department overview continued.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, January 20, 2010, 1:00 p.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1543

### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.

First quarter meeting.

### **JOINT COMMITTEE ON TAX POLICY**

Tuesday, January 19, 2010, Senate Committee Room 1, 4:30 p.m. or upon adjournment.

Recommendations meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters, a vote may be taken to hold a closed meeting.



**RETIREMENT**

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.

Informational meeting only with directors of the state retirement agencies.

No legislation will be discussed.

**RULES - PURSUANT TO RULE 25(32)(f)**

Thursday, January 14, 2010, Hearing Room 7 upon morning adjournment.

Possible Executive session.

Public hearing to be held on: HCS HCR 18

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 6. CORRECTED

Public hearing to be held on: HB 1311, HB 1341

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 7.

Executive session will follow.

Public hearing to be held on: HB 1544

**HOUSE CALENDAR**

SIXTH DAY, THURSDAY, JANUARY 14, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 72 through HJR 74

**HOUSE BILLS FOR SECOND READING**

HB 1603 through HB 1651

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTH DAY, THURSDAY, JANUARY 14, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, You are Lord of all and the creator of all. You have a Father's love for every human being on earth. We thank You and we praise You!

You have created us with great abilities and talents. We thank You and we ask that Your Holy Spirit guide us to use them according to Your will and for the good of our State and beyond.

Today, let us pray also, for the people of Haiti, who suffered a terrible earthquake on Tuesday; its size about one-sixth that of Missouri, their population about the same as ours. Already poor, "no help exists in Haiti!" (Dr. Doug Boudreau, Jefferson City) after all the death, the injuries and the destruction there.

Almighty God, in Your mercy save spiritually those who have died. By Your inspiration, send people from everywhere to take the resources needed to Haiti and to save the living there.

Inspire us to know how we, individually and as an assembly, are to help the people of Haiti.

To You, Almighty God, be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifth day was approved as printed by the following vote:

AYES: 151

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McDonald	McGhee	McNary	McNeil	Meadows

Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Still	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 007

Bringer	Cooper	Keeney	McClanahan	Riddle
Stevenson	Storch			

VACANCIES: 004

## HOUSE RESOLUTION

Representatives Bruns and Deeken offered House Resolution No. 116.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 112 through House Resolution No. 115  
House Resolution No. 117 through House Resolution No. 124

## HOUSE CONCURRENT RESOLUTIONS

Representative Cox, et al., offered House Concurrent Resolution No. 28.  
Representative Nieves offered House Concurrent Resolution No. 29.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 72** through **HJR 74** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1603** through **HB 1651** were read the second time.

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 116** - Rules

### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 3** - Agri-Business

**HCR 17** - Agri-Business

### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 57** - Special Standing Committee on General Laws

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1322** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1324** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1326** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1337** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1414** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1434** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1500** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1512** - Job Creation and Economic Development

**HB 1540** - Crime Prevention

**HB 1635** - Job Creation and Economic Development

**HB 1644** - Corrections and Public Institutions

### **COMMITTEE REPORTS**

**Committee on Healthcare Transformation**, Chairman Schaaf reporting:

Mr. Speaker: Your Committee on Healthcare Transformation, to which was referred **HB 1377**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HCR 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were read the first time and copies ordered printed:

**HCR 26**, introduced by Representatives Schieffer, Hodges, Shively, Bringer and Harris, relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

**HCR 27**, introduced by Representatives Sander, Day, McGhee, Wilson (119), Cox, Nance, Fisher (125) and Schieffer, relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 75**, introduced by Representatives Ervin, Smith (150), Allen, Davis, Burlison, Kraus, Flook, Funderburk, Jones (89) and Koenig, relating to business personal property.

**HJR 76**, introduced by Representatives Dethrow, Smith (150), Fisher (125), Dougherty, Nasheed, Ervin, Schad, Sater, Kingery, Munzlinger, Guest, Wilson (119), Wright, Loehner, Grisamore, Pratt and Ruzicka, relating to bird, fish, game, wildlife, or forestry resources.

**HJR 77**, introduced by Representatives Kelly, Tilley, Komo, Sater, Still, Lampe, Pace, Biermann, Colona, Kirkton, Oxford, Storch, Webber, Hobbs, Bruns, Schieffer, Corcoran, McNeil, Hummel, Molendorp, Fallert, Hoskins (121), Nasheed, Atkins, Lipke, Kingery, Quinn, Zerr, Allen, Deeken, Meiners, Curls, Faith, Morris, LeBlanc, McClanahan, Spreng, Fischer (107), Schupp, Yaeger, Hodges, Aull, Burnett, Schoemehl, Largent, Munzlinger, Rucker, Harris, Wilson (130), Jones (63), Carter, Schad and Scavuzzo, relating to the fifth state building fund.

**HJR 78**, introduced by Representatives Smith (150), Schoeller, Sander, Dieckhaus and Schlottach, relating to amending the constitution.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1652**, introduced by Representative Pratt, relating to telephone calls.

**HB 1653**, introduced by Representatives Pratt and Smith (14), relating to the designation of remembrance day in Missouri.

**HB 1654**, introduced by Representatives Zimmerman, Nance, Grill, Harris, Jones (63), Kirkton, Kratky, Molendorp, Nasheed, Oxford, Pace, Roorda, Sater, Still, Walton Gray, Weter, Yaeger, Morris and Scavuzzo, relating to requiring the notice of garnishment and writ of sequestration to contain only the last four digits of the federal taxpayer identification number.

**HB 1655**, introduced by Representatives Schaaf and Tilley, relating to campaign contributions by corporations.

**HB 1656**, introduced by Representatives Dethrow, Wright and Kingery, relating to license plates for property-carrying commercial motor vehicles.

**HB 1657**, introduced by Representative Dethrow, relating to motor vehicle dealer insurance.

**HB 1658**, introduced by Representatives Funderburk, Wells, Dougherty, Nance, Nasheed, Deeken, Schad, Smith (14), Walton Gray, Pratt, Brown (50) and Gatschenberger, relating to the homeowner grant program fund.

**HB 1659**, introduced by Representatives Burlison, Hoskins (121), Dixon, Diehl, Davis, Funderburk, Munzlinger, Ruestman, Gatschenberger, Schoeller, Wilson (119), Lampe, Norr, Ruzicka and Dougherty, relating to roadside vegetation.

**HB 1660**, introduced by Representatives Burlison, Davis, Cox, Koenig, Fisher (125), Guernsey, Wilson (119), Funderburk, Schad, Denison, Ruestman, Deeken, Jones (89), Nance, Dieckhaus, Nieves, Kraus, Schoeller, Dethrow, Allen, Nolte, Sander and Dugger, relating to state contracts and funds.

**HB 1661**, introduced by Representatives Pratt, LeVota and Grisamore, relating to state purchasing.

**HB 1662**, introduced by Representatives Brown (149), Munzlinger, Wright, Lair, Guernsey, Pollock, Wells, Shively, McDonald, Quinn, Dieckhaus, Riddle, Kuessner, Schlottach and Smith (150), relating to diseased animals.

**HB 1663**, introduced by Representatives Roorda, Meadows, Fallert, Harris, Frame, Casey and Komo, relating to taxes for central emergency dispatching services.

**HB 1664**, introduced by Representative Wasson, relating to county highway commissions.

**HB 1665**, introduced by Representatives Corcoran, Funderburk, Emery, Jones (63), Roorda, Walsh, Storch, Walton Gray, Pace, Hodges, Atkins, Schieffer, Liese, Meadows and Oxford, relating to adoption records.

**HB 1666**, introduced by Representatives Fischer (107), Roorda, Englund, Still, Schupp, LeBlanc, Jones (63), Webb, Pace, Storch, Swinger, Newman, Kander and Kelly, relating to intoxication-related traffic arrests.

**HB 1667**, introduced by Representatives McNeil, Schoeller, Atkins, Englund, Kirkton, Schupp, Still, Schieffer, Chappelle-Nadal, Roorda, McDonald, Kelly, McClanahan, Newman, Lampe, Wallace, Gatschenberger, Holsman, Molendorp, Riddle, Sutherland, Bivins, Allen and Zerr, relating to environmentally sustainable construction for state-funded buildings.

**HB 1668**, introduced by Representatives Lampe, Holsman, Kander, Schupp, Kirkton, Newman, Nasheed, Roorda, Salva, Englund, Walton Gray, Curls, McClanahan, Burnett, Skaggs, Bringer, Zimmerman, Vogt, Rucker, Witte, Spreng, Storch, Schoemehl, Walsh, Meiners, Hodges, Kratky, Meadows, Fallert, Low, Dougherty, Calloway, Corcoran, Shively, Carter, Quinn, Todd, Oxford, Pace, Colona, Atkins, McNeil, Biermann, Kelly, Morris, Harris, Fischer (107), Yaeger, Hoskins (80), Webber, Talboy, Dixon, Wells, Norr, Wasson, Wilson (119), Viebrock, Weter, Richard, Stream, Grisamore, Schoeller, Schad, Allen, Hummel, Still, Grill, Chappelle-Nadal, Hughes, Casey, Aull, Jones (63), Flanigan, Webb, Liese, LeVota and Scavuzzo, relating to the designation of a memorial highway.

**HB 1669**, introduced by Representatives Ruzicka, Smith (150), Ruestman, Dougherty, Largent, Jones (89), Munzlinger, Schoeller, Fisher (125), Wilson (119), Flanigan, Wilson (130), Denison, Nolte, Colona, Wells, Schad, Smith (14), Loehner, Jones (117), Dieckhaus, Scharnhorst, Emery, Cox, Guest and Parkinson, relating to carrying concealed weapons.

**HB 1670**, introduced by Representatives Meiners, Schaaf, Kelly, Holsman, Burnett, Low, Jones (63), Oxford, Atkins, Fallert, Brown (50), Pace, Walton Gray, Walsh, McNeil, Colona and Meadows, relating to the use of marijuana for medicinal purposes.

**HB 1671**, introduced by Representatives Cooper, Bruns, Nolte, Nance, Faith, Parson and Jones (117), relating to medical malpractice insurance.

**HB 1672**, introduced by Representatives Zerr, Day, Funderburk, Flanigan, Wilson (119), Allen, Brown (50) and Nieves, relating to special license plates for military veterans.

**HB 1673**, introduced by Representatives Zerr and Funderburk, relating to motor vehicle safety inspections.

**HB 1674**, introduced by Representative Lipke, relating to alcohol-related traffic arrests.

**HB 1675**, introduced by Representatives Nolte, Nance, Grisamore, Pollock, Nasheed, Funderburk, Wilson (119), Wright, Schad, Allen, Storch, Flook, Smith (150), Kraus, McGhee, Komo, Kingery, Silvey, Hobbs, Bruns, Ervin, Talboy, Grill, Diehl, Sutherland, Franz, Nieves, Zerr, Molendorp, Carter, Rucker, Kelly, Jones (63), Brown (50), Spreng, Corcoran, Koenig, Jones (89), Roorda and Pratt, relating to job growth.

**HB 1676**, introduced by Representatives Sutherland and Hodges, relating to guardians and conservators.

**HB 1677**, introduced by Representative Hoskins (80), relating to the designation of dress in blue for colon cancer awareness day.

**HB 1678**, introduced by Representative Hoskins (80), relating to student transfers.

### **COMMITTEE APPOINTMENTS**

January 14, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Chris Carter from the Appropriations - Agriculture and Natural Resources Committee.  
I hereby appoint Representative Chris Carter to the Appropriations - Public Safety Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 14, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Mark Parkinson to serve on the Conservation and Natural Resources Committee, the Senior Citizen Advocacy Committee, the Tourism Committee and the Transportation Committee.



If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 14, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Stacey Newman to serve on the Healthcare Transformation Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 14, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Gina Walsh to serve on the Financial Institutions Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## COMMUNICATION

January 13, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Chapters 105.452 to 105.461, RSMo, this letter is an official advisory that my husband is a member of the Missouri State Highway Patrol (MSHP); and some of the issues, bills and amendments that I will be voting on could have a direct impact on our family, in the same manner in which other similarly situated members of the MSHP are affected.

In order to comply with Chapters 105.452 to 105.461, RSMo, please publish this report in the Journal of the House.

Sincerely,

/s/ Shelley Keeney  
State Representative  
District 156

## WITHDRAWAL OF HOUSE BILL

January 12, 2010

The Honorable Ron Richard  
Speaker of the House of Representatives  
State Capitol  
Room 308  
Jefferson City, MO 65101

Dear Speaker Richard:

I respectfully request **House Bill No. 1275** be withdrawn, as we need to make a revision. Thank you for your assistance in this matter.

Sincerely,

/s/ Don Wells  
State Representative  
District 147

The following member's presence was noted: McClanahan.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Tuesday, January 19, 2010.

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearing to be held on: HCR 7, HCR 3, HCR 17

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 20, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Missouri Departments of Agriculture, Conservation and Natural Resources.

2010 budget reports. CORRECTED

### APPROPRIATIONS - EDUCATION

Tuesday, January 19, 2010, 2:00 p.m. Hearing Room 1.

Organizational meeting and public testimony.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 3.

Informational meeting. Missouri State Tax Commission.

Recess at 10:00 a.m. Reconvene upon morning recess. CORRECTED

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Departmental overview continued.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, January 20, 2010, 1:00 p.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### CRIME PREVENTION

Wednesday, January 20, 2010, Hearing Room 5 upon morning recess.

Public hearing to be held on: HB 1540

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1543

### JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, January 19, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1635, HB 1512

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.

First quarter meeting.

JOINT COMMITTEE ON TAX POLICY

Tuesday, January 19, 2010, Senate Committee Room 1, 4:30 p.m. or upon adjournment.

Recommendations meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters, a vote may be taken to hold a closed meeting.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Wednesday, January 20, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1442

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 5.

Public hearing to be held on: HB 1322, HB 1500

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 6. CORRECTED

Public hearing to be held on: HB 1311, HB 1341

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 7.

Executive session will follow.

Public hearing to be held on: HB 1544

**HOUSE CALENDAR**

SEVENTH DAY, TUESDAY, JANUARY 19, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 26 and HCR 27

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 75 through HJR 78

**HOUSE BILLS FOR SECOND READING**

HB 1652 through HB 1678

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCR 18, (1-13-10, Page 66) - Diehl

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SEVENTH DAY, TUESDAY, JANUARY 19, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, Father of all, we thank You for raising up leaders like Dr. Martin Luther King, Jr., with his prophetic voice, speaking the truth of freedom as Your gift to every human person. And we thank You for the great advances of freedom and justice in our land during the last forty years.

May the quest for freedom and justice continue to drive us, as we work with the agendas before us this week. May the issues we consider and the plans we make be sources of advancing "liberty and justice for all."

We honor and adore You, our God and eternal Father forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Gracie Thomas and Julianna French.

The Journal of the sixth day was approved as printed by the following vote:

AYES: 153

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Casey	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman

Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 002

Burnett                      Talboy

PRESENT: 000

ABSENT WITH LEAVE: 004

Carter                      Chappelle-Nadal                      Hughes                      McClanahan

VACANCIES: 004

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 125 through House Resolution No. 151

## **HOUSE CONCURRENT RESOLUTIONS**

Representatives Roorda and Webber offered House Concurrent Resolution No. 30.  
Representative Roorda offered House Concurrent Resolution No. 31.

## **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 26** and **HCR 27** were read the second time.

## **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 75** through **HJR 78** were read the second time.

## **SECOND READING OF HOUSE BILLS**

**HB 1652** through **HB 1678** were read the second time.

## **HOUSE CONCURRENT RESOLUTION**

**HCS HCR 18**, relating to health care, was taken up by Representative Diehl.

Speaker Richard assumed the Chair.

Representative Harris offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Concurrent Resolution No. 18, Journal Page 66, Fifth Day, January 13, 2010, Line 27 of said page, by inserting after the word “proposal” the words “and develop health care reform that is affordable and available to all”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Jones (89) offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1  
to  
House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Concurrent Resolution No. 18, Page 1, Line 3, by removing from said line the word "available" and inserting in lieu thereof the word: "accessible"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (89), **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Guest offered **House Amendment No. 2 to House Amendment No. 1.**

*House Amendment No. 2  
to  
House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Concurrent Resolution No. 18, Page 1, Line 3, by inserting after the “all” the words “legal residents”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guest, **House Amendment No. 2 to House Amendment No. 1** was adopted by the following vote:

AYES: 117

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Cooper	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 121	Iceet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kratky
Kraus	Lair	Largent	Leara	Liese
Lipke	Loehner	McGhee	McNary	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman



Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 040

Atkins	Brown 50	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Curls	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Kuessner	Lampe	LeBlanc	LeVota
Low	McDonald	McNeil	Morris	Nasheed
Newman	Norr	Oxford	Pace	Schupp
Skaggs	Spreng	Still	Talboy	Vogt
Walton Gray	Webb	Webber	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 002

McClanahan	Walsh
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VACANCIES: 004

Representative Nasheed offered **House Amendment No. 3 to House Amendment No. 1.**

Representative Pratt raised a point of order that **House Amendment No. 3 to House Amendment No. 1** amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative Harris, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 126

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Cooper	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Largent	Leara	Liese	Lipke	Loehner
Low	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance

Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 030

Atkins	Brown 50	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Curls	Emery	Holsman
Hoskins 80	Hughes	Jones 63	Kander	Lampe
LeBlanc	LeVota	Morris	Newman	Norr
Oxford	Pace	Skaggs	Spreng	Still
Talboy	Walton Gray	Webb	Webber	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 003

McClanahan	Vogt	Wallace
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VACANCIES: 004

Representative Roorda offered **House Amendment No. 2**.

Representative Cox raised a point of order that **House Amendment No. 2** goes beyond the scope of the resolution.

The Chair ruled the point of order well taken.

Speaker Pro Tem Pratt resumed the Chair.

Speaker Richard resumed the Chair.

On motion of Representative Diehl, **HCS HCR 18, as amended**, was adopted by the following vote:

AYES: 111

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Icet

Jones 89	Jones 117	Keeney	Kingery	Koenig
Komo	Kratky	Kraus	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 046

Atkins	Brown 50	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
Englund	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Kuessner
Lampe	LeBlanc	LeVota	Low	McDonald
McNeil	Morris	Nasheed	Newman	Oxford
Pace	Roorda	Rucker	Schupp	Skaggs
Spreng	Still	Storch	Talboy	Vogt
Walsh	Walton Gray	Webb	Webber	Witte
Zimmerman				

PRESENT: 001

Yaeger

ABSENT WITH LEAVE: 001

McClanahan

VACANCIES: 004

## INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 79**, introduced by Representatives LeVota, Morris, Oxford and Dougherty, relating to the department of transportation.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1679**, introduced by Representatives Roorda, Meadows, Atkins, Lampe, Scavuzzo and Talboy, relating to city sales taxes.

**HB 1680**, introduced by Representatives Roorda, Jones (89) and Meadows, relating to storm water user fees.

**HB 1681**, introduced by Representatives Roorda and Tilley, relating to ambulance district sales taxes.

**HB 1682**, introduced by Representatives Sater, Jones (63), McGhee, Harris, Atkins, Flanigan, Lampe, Thomson, Nolte, Hobbs, Burlison, Guernsey, Allen, Funderburk, Ruestman, Cunningham, Lair, Icet, Sutherland, Nieves, Franz, Weter, Zerr, Fisher (125), McNary, Zimmerman, Rucker, Shively, McClanahan, Meadows, Sander, Grisamore and Jones (89), relating to heritage birth certificates and heritage marriage certificates.

**HB 1683**, introduced by Representatives Deeken, Englund, Quinn, Lampe, Dougherty, Schaaf, Still, Nasheed, Kirkton, Low, Harris, Roorda, Jones (63), Chappelle-Nadal, Webber, Flanigan, Meadows, Atkins, Walton Gray, McGhee, Calloway, Tilley, Burnett, Schlottach, Wright, Stream, Sander, Faith, Oxford, Kelly, McNeil, McDonald, Skaggs, McClanahan, Storch, Carter, Curls, Kander, Hodges, Rucker, Norr, Brown (50), Newman, Scavuzzo, Schupp, Pace, Shively, Webb, Schoemehl, Colona, Morris, LeBlanc, Spreng, Talboy and Sander, relating to the creation of a death penalty commission.

**HB 1684**, introduced by Representatives Zerr, Flook, Funderburk, Jones (89), Bruns, Leara, Silvey, Nance, Jones (63), Harris, Roorda, Calloway, Grill, Flanigan, Wright, Fisher (125), Fischer (107), Kratky, Dieckhaus, Kraus, Carter, Corcoran, Schad, Franz, Storch, McGhee, Atkins, Weter, Brown (50), Schieffer, Kander, Englund, Meadows, Walton Gray, Sander, Hobbs, McNeil, Spreng, Wells, Scharnhorst, Gatschenberger and Schaaf, relating to Missouri business expansion.

**HB 1685**, introduced by Representatives LeVota, Wright, Morris, Atkins, Pace, Schieffer, Grill, Dougherty, Nance, Storch and Lampe, relating to Erica and Zayquon's law.

**HB 1686**, introduced by Representatives LeVota, Wright, Morris, Atkins, Pace, Schieffer, Still, Grill, Oxford, Dougherty, Corcoran, Nance, Storch and Lampe, relating to prohibitions on telecommunications practices.

**HB 1687**, introduced by Representatives LeVota, Webber, Morris, Atkins, Colona, Oxford, Dougherty, Corcoran and Lampe, relating to state employee salary increases.

**HB 1688**, introduced by Representatives LeVota, Atkins, Schaaf, Oxford, Dougherty, Roorda and Lampe, relating to failure to report illegal conduct of pharmacists or other health care professionals.

**HB 1689**, introduced by Representatives LeVota, Morris, Atkins, Pace, Schieffer, Still, Grill, Oxford, Dougherty, Nance, Storch and Lampe, relating to dog fighting.

**HB 1690**, introduced by Representatives LeVota, Dougherty, Nasheed and Roorda, relating to repeal of the state safety inspection program.

**HB 1691**, introduced by Representatives Kraus, Jones (63), Lampe, Brown (50) and Holsman, relating to bicycling state holidays.

**HB 1692**, introduced by Representative Smith (150), relating to real estate brokers and salespersons.

**HB 1693**, introduced by Representatives Schlottach, Fisher (125), Roorda, Wright, Sater, Dieckhaus and Schieffer, relating to endangerment of emergency workers.

**HB 1694**, introduced by Representative Hoskins (80), relating to security measures in apartment buildings.

**HB 1695**, introduced by Representative Stevenson, relating to driving while intoxicated.

**HB 1696**, introduced by Representative Stevenson, relating to ignition interlock devices.

**HB 1697**, introduced by Representative Stevenson, relating to driving while intoxicated.

**HB 1698**, introduced by Representative Stevenson, relating to child orders of protection.

**HB 1699**, introduced by Representative Stevenson, relating to public records.

**HB 1700**, introduced by Representatives Stevenson, Rucker, Schaaf, Kirkton, Sater, Funderburk, Sander, Flanigan, Nance, Atkins and Weter, relating to pharmacy benefits.

**HB 1701**, introduced by Representatives Stevenson and Sater, relating to tobacco retailer licensing.

**HB 1702**, introduced by Representatives Stevenson, Chappelle-Nadal, Nance, Cox, Sater and Fischer (107), relating to DWI courts.

**HB 1703**, introduced by Representatives Lair, Dieckhaus, Atkins, Thomson, Brown (149), Deeken, Morris, Pace, Walton Gray, Quinn, Faith, Brown (50), Franz, Sander, McDonald, Wells, Fisher (125), Roorda, Harris, Wright and Schieffer, relating to eligibility for parole.

**HB 1704**, introduced by Representatives Franz and Schlottach, relating to state retirement systems.

**HB 1705**, introduced by Representatives Molendorp and Scavuzzo, relating to sewer subdistricts.

**HB 1706**, introduced by Representatives Viebrock, Denison, Schoeller, Burlison and Norr, relating to fire protection district audits.

**HB 1707**, introduced by Representative Schaaf, relating to establishing jails outside of a county seat.

**HB 1708**, introduced by Representative Schaaf, relating to committee filing requirements.

**HB 1709**, introduced by Representatives Leara and Hummel, relating to the bi-state metropolitan development district.

**HB 1710**, introduced by Representatives Molendorp, Hoskins (121), Kingery, McNary, Burlison, Schoeller, Jones (89), Calloway, McNeil, Scavuzzo, Nolte, Denison, Largent, Flook, Parkinson, Flanigan, Guernsey, Tracy, Nance and Smith (150), relating to the procurement of construction by the design-build method by school districts.

**HB 1711**, introduced by Representative Schaaf, relating to illegal drug use reporting under public assistance programs.

**HB 1712**, introduced by Representatives Roorda, Colona, McNeil, Fallert, Webb, Chappelle-Nadal, Low, Atkins, Meadows, Corcoran, Lampe, Still, Oxford, Schieffer and Kratky, relating to public employee labor organizations.

**HB 1713**, introduced by Representatives Sander, Allen, Molendorp, Cunningham, Wasson, Thomson, Grisamore, Smith (14), Zerr, McClanahan, Schoemehl, Kratky, McDonald, Spreng, Flanigan, Hoskins (121), Wilson (130), Bivins, McGhee, Kingery, Cooper, Lipke, Silvey, Wells, Wilson (119), Sater, Parkinson, Ruestman, Fisher (125), Stream, Oxford and Tracy, relating to health insurance for adopted children.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following escort committee to act with a like committee pursuant to **HCR 1**: Senators Shields, Engler, Mayer, Bartle, Nodler, Callahan, Green, Barnitz, Days and Keaveny.

### COMMITTEE APPOINTMENT

January 19, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby name Representative Jerry Nolte to serve as Vice Chairman on the Tourism Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

### COMMUNICATIONS

January 14, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

RE: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Margo McNeil  
Representative  
District 78

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January 13, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

RE: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. Last year I accepted the position of Interim Chair of Missourians for Tax Justice (MTJ) following the death of their long-time Chair, Pat Martin. MTJ is a grassroots citizens advocacy organization, supporting a fair and balanced state tax structure that will produce adequate revenue for needed public services. I was a founding member of MTJ in the early 1990's.

For several sessions, I have sponsored the Tax Justice for a Healthy Missouri tax reform bill that was crafted by a coalition of organizations and individuals called together by MTJ. (In 2009, this was House Bill 567.) Although it is unlikely that this tax reform bill will come to the floor for debate, I wanted to disclose my membership and leadership in MTJ to meet the highest standards of openness and accountability as an elected official.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House. I thank you for your attention to this matter.

Sincerely,

/s/ Jeanette Mott Oxford  
Representative  
District 59

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, January 20, 2010.

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Wednesday, January 20, 2010, 8:30 a.m. Hearing Room 7.

Executive session may follow. CORRECTED

Public hearing to be held on: HCR 7, HCR 3, HCR 17

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 20, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Missouri Departments of Agriculture, Conservation and Natural Resources.

2010 budget reports. CORRECTED

### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 3.

Informational meeting. Missouri State Tax Commission.

Recess at 10:00 a.m. Reconvene upon morning recess. CORRECTED

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, January 20, 2010, 1:00 p.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 5.

Continuation of public and provider testimony.

Contact Representative Sater's office to sign up.

### APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 6.

Public hearing.

### CRIME PREVENTION

Wednesday, January 20, 2010, Hearing Room 5 upon morning recess.

Public hearing to be held on: HB 1540

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1543

### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.

First quarter meeting.

### SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Wednesday, January 20, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1442



**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Wednesday, January 20, 2010, 8:00 a.m. Hearing Room 5.

Public hearing to be held on: HB 1322, HB 1500

**TOURISM**

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1542

**HOUSE CALENDAR**

EIGHTH DAY, WEDNESDAY, JANUARY 20, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 79

**HOUSE BILLS FOR SECOND READING**

HB 1679 through HB 1713

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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EIGHTH DAY, WEDNESDAY, JANUARY 20, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord, God, there is no one like You! For You are great, and Your name is full of power. Who would not fear You, O King of all nations? That title belongs to You alone! Among all the wise people of the earth and in all the kingdoms of the world, there is no one like You.

Show each member, of this House, how You work, Heavenly Father; school each in Your ways. Take them by the hand; lead them down the path of truth. May You be their guide; their instructor.

Remind and help each of Your servants to understand the enormity of the work before them. May the seriousness of their responsibilities not be lost on clouded eyes or insensitive ears, but may it act as a herald; a daily call to appropriate action.

May each member be guided by Your wisdom, throughout the rest of this week.

Now may the grace of the Lord, and the love of God, and the communion of the Spirit be with each and everyone.

I ask these things in the name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventh day was approved as printed.

## SPECIAL RECOGNITION

Chief Justice William Ray Price, Jr. and Judge Richard B. Teitelman of the Missouri Supreme Court and Judges James Sullivan, Michael Noble, and M. Keithley Williams, Drug Court Commissioners of the 22<sup>nd</sup> Judicial Circuit, were introduced by Speaker Richard and recognized for their service and dedication to the Missouri Drug Court program.

Richard Rainey and Andrea Berin, graduates of the St. Louis Drug Court were also introduced by Speaker Richard. Mr. Rainey and Ms. Berin addressed the House.

Speaker Pro Tem Pratt assumed the Chair.

The Jefferson City Lady Jays Softball Team was introduced by Representative Bruns and recognized for attaining the 2009 Class 4A State Championship.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 152 through House Resolution No. 188

## HOUSE CONCURRENT RESOLUTION

Representative Nolte, et al., offered House Concurrent Resolution No. 32.

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 79** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1679** through **HB 1713** were read the second time.

## MOTION

Representative Tilley moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 156

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson

Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Low	Meiners	Yaeger
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VACANCIES: 004

### **ESCORT COMMITTEE**

The Speaker appointed the following Committee to act with a like Committee from the Senate pursuant to **HCR 1**: Representatives Allen, Bruns, Faith, Hobbs, Kingery, Lipke, Schlottach, Sutherland, Wallace, Wasson, Jones (63), Roorda, Rucker, Scavuzzo, Schupp, Still, Swinger, Talboy, Walsh and Zimmerman.

On motion of Representative Tilley, the House recessed until 6:30 p.m.

The hour of recess having expired, the House was called to order by Speaker Richard.

### **JOINT SESSION**

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Kinder, presiding, called the Joint Assembly to order.

The Missouri State Highway Patrol, Troop F Color Guard, presented the Colors and the Pledge of Allegiance to the flag was recited.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 033

Barnitz	Bartle	Bray	Callahan	Champion
Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson	Wright-Jones		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Clemens

VACANCIES: 000

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 148

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Colona	Cooper	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Hughes	Hummel	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 001

Roorda

ABSENT WITH LEAVE: 010

Calloway	Chappelle-Nadal	Corcoran	Davis	Holsman
Hoskins 80	Icet	Nasheed	Schieffer	Yaeger

VACANCIES: 004

The Doorkeeper announced the approach of the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri. The Governor was duly escorted to the House Chamber and the Speaker's dais, where he delivered the following message to the Assembly in Joint Session.

**STATE OF THE STATE  
ADDRESS BY  
GOVERNOR JEREMIAH W. (JAY) NIXON**

Thank you, Speaker Richard, President Pro-Tem Shields, Leaders Callahan and LeVota, Judges of the Missouri Supreme Court, Lieutenant Governor Kinder, state officials, members of the General Assembly and members of my cabinet.

Welcome honored guests and my fellow Missourians.

It's a privilege to be here this evening. I am blessed to have with me Missouri's First Lady, my wife Georganne, and our two sons, Jeremiah and Will.

One year ago, as we gathered in this very room, a massive ice storm struck southern Missouri.

Miles of power lines went down, plunging tens of thousands of people into bitter cold and darkness.

I'll never forget what I saw in the days and weeks that followed. Everywhere I went, people of every color and creed were joining hands to help their neighbors.

They brought blankets and home-cooked meals to Kennett.

They came with chainsaws and pickup trucks to Thayer.

They turned school gyms and church basements into havens of warmth and safety in Doniphan, Naylor and Poplar Bluff.

They didn't ask how anybody voted. They didn't care who was rich or poor.

They came together in a crisis, because that's what the people of Missouri do.

That's a powerful lesson for us here tonight: The worst of times brings out the best in us.

And when the people of Missouri join hands and work together we can accomplish anything.

That makes me proud of our state, proud to be a Missourian and proud to be your Governor.

Tonight, our thoughts and prayers go out to the people of Haiti, who are suffering in the tragic aftermath of the massive earthquake on January 12. There are many ways Missourians can help. I encourage you to go to our Web site, MO.gov <http://www.mo.gov>, and learn more about what you can do.

From the moment I took the oath of office, I have focused my energy on one thing: turning this economy around.

Our mission is clear:

We must keep the jobs we have, and create thousands more.

We must build a granite foundation for Missouri's future growth.

And we must balance the budget without raising taxes.

Tonight, I will review some of the hard-won accomplishments of the year behind us . . . address the challenges ahead of us . . . highlight the opportunities we must seize now to spur job growth . . . and lay out my long-term strategy to create a vibrant future for our state.

But before I get to the heart of my economic message, I'd like to recognize the brave Missourians, in all branches of our military, who have left their families in our care, to fight terror around the world.

With us tonight is Specialist Michael Thomas, a Citizen-Soldier with the Missouri National Guard. Specialist Thomas was serving with the Missouri National Guard's Agri-Business Development Team II in Afghanistan when his convoy was hit by a suicide bomber in March 2009. As the gunner on his vehicle, Specialist Thomas sustained a direct hit from the blast. For his sacrifice, he was awarded the Purple Heart.

Specialist Thomas, as Commander in Chief of the Missouri National Guard, I commend you for your service to our country. You represent every man and woman who has ever fought for our freedom and liberty . . . in every time . . . and on every field of battle.

Specialist Thomas, on their behalf, please stand and accept the gratitude of your state.

Every action we took in 2009, and every action we will take in 2010, is set against the backdrop of global forces that constrain our nation's economy. That is the nature of the complex world we live in.

But it will not determine Missouri's destiny.

We will.

Our most pressing economic challenges - creating jobs, seizing opportunities for growth, and balancing the budget - are too important to be sidetracked by partisan bickering. That would betray the trust put in us by the people.

We also need to take the long view, and be wise stewards of the blessings that make Missouri so special: our families, our communities, and our God-given natural resources.

In everything we do this year, we must put our differences aside - and put Missouri first.

I'm an optimist by nature, and nothing I have seen this year has diminished my optimism.

My vision of the future is colored by my abiding faith in the resourcefulness and determination of the people of Missouri.

I want the little girl who someday cracks the code of cancer to be a product of Missouri schools.

I want the little boy who invents clean fuel to heat our homes and power our cars to be a native son.

And I want thousands of Missourians working in high-tech jobs, using technology we can only dream of today.

That's the future I see for Missouri.

And to reach it, I want Missouri to be first in job creation.

First in education.

First in innovation.

First in quality of life.

And first in leading this nation to recovery.

Everywhere I've traveled in the last 12 months, from K.C. to Cape, I've heard the same refrain from businesses large and small: "Give us the tools, help us train the workers, and we'll do the rest."

Last year, our bi-partisan jobs bill helped put more of these tools in place.

We ramped up financial incentives for businesses that offered good jobs and health insurance. And we focused state resources on targeted, fast-track training programs to prepare a workforce ready to step into those jobs.

Let me give you a few examples of our success.

Express Scripts in St. Louis, used Missouri BUILD incentives to expand here, rather than Pennsylvania. Now it's building a huge, automated facility for filling medical prescriptions. And it will create nearly 300 jobs paying an average wage of more than \$40,000 a year.

McLane, a grocery distribution company owned by Warren Buffett, used state incentives to build a large new facility in Republic that will create 250 full-time jobs with good wages. If Warren Buffett is bullish on Missouri, it's good for all of us.

Smith Electric Vehicles makes all-electric, zero-emission trucks. It's building a new plant in Kansas City using our Quality Jobs incentives. That plant will create 200 jobs, and pump millions of dollars into the local economy.

And the list goes on.

While we were helping large employers, we didn't forget about the small businesses that are a mainstay of Missouri's economy.

We eliminated the franchise tax for 16,000 small businesses like Kelley's Furniture in Kirksville, so they could expand and add jobs.

We also started a small business loan program. One of those loans went to Beth Daniels, who owns a company in Eureka that makes educational games. Last year, Beth was worried she wouldn't have enough games in stock to fill holiday orders. So she used her loan to build up inventory and hire another employee. Please welcome one of the Show-Me State's budding entrepreneurs, Beth Daniels.

Job-creation initiatives only succeed if there are trained workers ready to step into those jobs. So we upped our investment in training people.

Last fall, we began implementing our Caring for Missourians initiative to train more Missourians for careers in high-demand health care fields - including nursing and dentistry, optometry and medical technology. Over the next two years, we'll be enrolling at least 1,300 additional students in these programs at our two- and four-year colleges, and preparing these students to meet our state's critical health care needs.

We also put more money into accelerated programs at community colleges to help dislocated workers retrain and get back into the job market - fast.

It's clear that our key business incentives and workforce investments are bearing fruit. But much more needs to be done. That's why my top legislative priority this year is my 2010 Jobs Plan.

It contains three key components.

First, we must leverage every tool and tactic to help loyal Missouri businesses thrive.

Second, we must outrun and outfox our rivals to recruit new high-tech companies to Missouri.

And third, we must train a workforce that's ready-to-roll, and second-to-none.



The Missouri First initiative is my loyalty program for businesses that are already here. They'll go to the head of the line for financial incentives to help expand plants or payrolls.

We'll give an extra bump to businesses that have been in Missouri longer than five years. After all, these are the companies who have given generations of Missourians steady paychecks. They're also the folks who paid the taxes that built our roads, our schools and our parks.

Given Missouri's need to create jobs quickly, helping loyal businesses accelerate their growth just may be the smartest investment we can make - with the fastest return.

As your Governor, I'll continue to push hard to recruit new businesses to Missouri. And make no mistake: I've got a competitive streak.

That brings me to the second part of my jobs plan, the Missouri Science and Innovation Reinvestment Act: MOSIRA.

Missouri is already home to 1,000 biological science companies. This is an area where we can add muscle to existing strength.

MOSIRA will reinvest a small part of the taxes paid by existing bio-tech firms in Missouri, to recruit new ones. It will create a stable pool of funds to increase access to capital. And it will help turn scientific breakthroughs into commercial successes.

We want our bio-tech companies to grow because that creates more jobs. But just as important are the corollaries of that growth: a culture of excellence and collaboration, a forum where brilliant minds find kindred spirits, a hotbed of ideas that spark innovation, and a nexus of risk and reward, where start-ups thrive.

Synbiotics is a perfect example of how this synergy works to Missouri's advantage. Synbiotics is a global leader in animal health. A couple of years ago, its president and CEO, Paul Hays, decided to move the corporate headquarters and research labs from San Diego to Kansas City.

Paul says there are five reasons why he brought his business to Missouri:

First, the opportunities for synergy and collaboration with other companies and scientists in Missouri's booming animal health corridor.

Second, proximity to his customers.

Third, financial incentives from Missouri, Platte County and Kansas City.

Fourth, Missouri's outstanding work ethic; and

Last, but not least, Paul's a Mizzou grad, class of '83.

All I can add to that is welcome back, and Go Tigers!

MOSIRA will help recruit more dynamic, science and technology companies like Synbiotics to Missouri. That's exactly what we want to do.

That brings me to the third part of my 2010 Jobs Plan. It focuses on Missouri's greatest asset: our people.

"Training for Tomorrow" is a new initiative to train more Missourians for jobs in growing fields, like lab techs, nursing aides, surveyors and mechanics. It gives community colleges the flexibility to enlarge training programs where there's high demand, and ensures there are enough workers to meet that demand.

In addition, I've proposed a 20 percent increase in funding for customized training programs tailored to the needs of specific high-tech industries. By matching industry's needs with training programs, more Missourians will be able to find work quickly.

Much of this training will take place at Missouri's excellent community colleges. There's no place where the link between education and employment is stronger.

I was at Crowder College in Neosho not long ago. President Alan Marble told me that if someone is out of work, they should go to the Dean's office today. They can sign up for a career training program - in alternative energy, health care, or drafting and design - and if they're willing to give it their all, he'll help find them a job.

Tonight, I call on you to show that same can-do spirit. Let's roll up our sleeves and pass this 2010 Jobs Plan.

There's another group of Missourians eager for work, who have real-world job experience and first-rate training from Uncle Sam. I'm talking about our veterans.

When I was in Iraq and Afghanistan last summer, the troops invariably asked me two questions: "How is Pujols doing?" and "Will there be a job for me when I get home?"

Tonight, I'm proud to announce the creation of "Show-Me Heroes," our new jobs initiative just for our veterans. The leader of this effort is Lieutenant Colonel Alan Rohlfing of the Missouri Army National Guard.

He'll be calling on employers all over the state, telling them about our disciplined, dedicated, hard-working veterans. When a job comes open, I want a veteran's resume on the top of the stack, so they get first crack at an interview.

I'm asking every employer in this state to step up and show that Missouri hires its veterans.

For veterans who are ready to retire, Missouri's also the first place to look, because we're going to continue to phase out the state income tax on military pensions until it's zero dollars.

Veterans are not the only ones who can get tax relief in Missouri this year. We're also helping home buyers.

We're putting \$15 million into an effort to give the housing industry a boost and help more Missourians afford the American Dream.

If you want to buy a house in 2010, the state will pick up your property taxes for the first year, for up to \$1,250. And we're offering another \$500 in tax relief if you make that house more energy efficient.

This will help put thousands of Missouri families in new homes, jumpstart the housing market and give our skilled tradesmen more green jobs.

In this tough economy, we've also got to protect vulnerable Missourians from a voracious predator: payday loan companies.

Hard times are like fertilizer for payday lenders; they just pop up overnight, like mushrooms.

For folks caught in a bad situation - maybe they lost their job, or the car broke down - payday loans may seem like the best option. But Missouri families shouldn't get fleeced.

According to the most recent data, the average payday loan in Missouri was \$290 - at 430 percent interest.

And even at those exorbitant rates, you know how many loans were reported? Close to three million.

Missouri laws aren't tough enough to protect folks caught in this downward spiral of debt. We need to stand up for them, and pass meaningful payday loan reform this year.

By any measure, 2009 was a rough year.

In one way or another, the downturn hit everybody's pocketbook.

Missouri unemployment ran under the national average, but was still too high. A lot of friends and neighbors were out of work. Too many Missourians lost their homes, farms and businesses. Folks who hung onto their jobs saw their wages and benefits whittled away.

The impact of those economic blows knocked the wind out of state government. Revenue fell a staggering \$778 million short of projections – the biggest one-year drop in Missouri history.

So state government did what every Missouri family had to do: tighten our belts, stretch every dollar and rein in spending.

We didn't bellyache about it; we just did it. We focused on our priorities, worked together, and made some real progress.

Unlike 29 other states, we balanced the budget without raising taxes.

How did Missouri do it?

We made state government leaner. In one year, I will have reduced the state workforce by nearly 1,800 positions.

We used technology to make government more efficient and effective.

We cut costs by renegotiating contracts.

I ordered state department heads to conserve energy, and we reduced our utility bill by six percent.

I had to cut \$600 million out of the state budget, but did so without losing sight of priorities like education and public safety.

And in terms of efficiencies, we're not finished yet.

For years, state government has been creating boards and commissions for this centennial or that special interest. Some do good work, while others don't do much of anything. Nobody paid much attention to them, and they just kept growing and growing until they turned into bureaucratic kudzu.

In an effort to root out government waste and inefficiency, I have already eliminated 13 of these boards and 227 positions.

And I call on the legislature to haul out the brush hog, and get rid of 18 more boards and 246 more positions.

Working together, we've been able to avoid the meltdowns we're now seeing in other states:

Massachusetts and Nevada jacked up their sales tax.

Arizona's on the verge of closing two-thirds of its state parks and selling its House and Senate buildings.

Nevada's Governor has proposed cutting K-12 funding by \$700 million.

That's not going to happen here in Missouri.

Our early action and sound management have helped Missouri keep its spotless Triple-A credit rating. That saves taxpayers millions in interest each year. And it signals investors that Missouri is where smart money goes to grow. Moody's Investors Services, one of the nation's premier financial ratings firms, rated Missouri one of the top states to lead the nation's recovery.

By balancing the budget without raising taxes, making hard choices, and managing debt, Missouri is in a strong position to accelerate out of this downturn.

We could never have accomplished that without steadfast bipartisanship. I want to thank all of you for standing together last year and putting Missouri first.

We must summon that same bipartisan spirit for the hard work that lies ahead.

This year, although we're in better shape than other states, we still face sobering fiscal challenges. Revenue projections for fiscal 2011 are austere; we'll have less revenue than we did in 2009. It will take the patience and good faith of every person in this General Assembly - all 163 members of the House and all 34 members of the Senate - working as a team, to manage our limited resources and move Missouri forward on the path to prosperity.

While we are taking steps to get immediate economic returns, we also need to be making strategic investments to secure Missouri's long-term economic growth:

Investments in our children's education;  
In health care;  
In communities that are safe and vibrant;  
And in the beauty and bounty of our state.

In our rapidly changing world, the education of Missouri's children is a high-stakes enterprise. Missouri can't succeed unless our schools succeed. And wherever students excel, we have dedicated teachers to thank.

All across the state, our public schools are stronger for the commendable work teachers do. And I'm not just talking about the work that goes on in classrooms from the first bell on Monday morning to the last bell on Friday afternoon.

I'm talking about the extra hours teachers put in before class, giving students extra help with math or English. And the weekends teachers devote to AP prep and band competitions. For these exceptional people, teaching isn't a job - it's a calling.

Criticizing public education is easy - and cheap. Educating children is hard - and takes serious investment. It's not enough to tell our teachers how much we value them; we must show them. And that is why my budget this year includes continued funding for Career Ladder. Our teachers have earned it.

Last year, we provided record funding for K-12 classrooms, even in the face of severe economic challenges. Other states, like Kansas and Georgia, are restricting education funds already appropriated.

Let me be clear: Every penny appropriated by the legislature last year will go to our K-12 classrooms this year.

Our budget challenges next year are no less daunting. Until the revenue picture changes, most folks in government understand that getting the job done with fewer resources is a given.

But budgets are about protecting priorities. And as we discussed my budget, and where and how much to cut, I took one thing off the table: K-12 classrooms. Our children are precious; their education is too important. So even in these difficult times, I am recommending increased funding, at a record level, for our K-12 classrooms.

Our commitment to education must extend beyond high school. But for too long, steep tuition hikes have put college out of reach for many Missouri families. Tom and Sandy Ray, who live in St. Louis, had three kids in college

at the same time. That's a big price tag for a working family, but Tom and Sandy understood the value of a college degree and were willing to make the sacrifice.

When their family budget suffered a blow last year, they wondered how they'd manage to pay all three tuition bills. But last year, we froze tuition at all two- and four-year public colleges and universities in the state. For thousands of families like the Rays, that was a godsend.

Please welcome these two terrific Missouri parents, Tom and Sandy Ray.

But we're not done. I call on you to join me - and lead the nation by example - in supporting another tuition freeze this year. That would mean Missouri students and their families won't have to pay a penny more in tuition and fees two years in a row.

I want to bring college within reach for even more Missouri students, by addressing a blatant inequity in Missouri's A+ scholarship program. That program pays two years of community college tuition for high school kids who keep up their grades, give back, and stay out of trouble.

Today, a third of the kids in Missouri's public high schools can't even apply for these scholarships. That's because their schools aren't "officially designated" as A+ schools.

And that's just not fair.

A+ scholarships should be open to every hard-working public high school student in Missouri. And I count on your support to make that happen this year.

Our children are growing up in a high-speed, digital world; just watch them texting their friends. Without access to the fast lane on the information superhighway, we'll simply be a dusty detour.

This year, Missouri is competing to bring high-speed Internet to every part of our state, from the urban core to the last mile of gravel road.

For a small business like Strawberry's Bar-B-Que in Holcomb, that means instant access to customers from Jamaica to Japan. A college student could take courses on her laptop in Fair Play. A cancer specialist in St. Louis can read medical records from a family doctor in St. James.

We will compete for every possible dollar to turn this broadband project into reality and help Missouri stay competitive.

There's an undeniable correlation between a state's competitiveness and the cost of health care.

Last year, Missouri was poised to make real progress on health care. The Missouri Senate voted overwhelmingly to support my plan to provide health care to 35,000 working Missourians at no additional cost to state taxpayers. Unfortunately, that proposal failed on the last day of the session.

This year, there's been a lot of talk about health care, from the halls of Congress to town hall meetings across the country.

Congress is debating significant health care legislation. If that federal legislation passes, it's our job to show steady, bipartisan leadership and maximize the benefits for the people of Missouri.

There's another important health care issue that demands our immediate attention: autism. This spectrum of disorders is diagnosed in one in 110 children. And the sooner it is diagnosed and treated, the better their lives will be.

Myles and Lora Hinkel have a 7-year-old son, Blake, who has autism. Myles and Lora have been outstanding advocates not just for their son, but for all children with autism. Please welcome the Hinkels tonight.

Blake's father tells a moving story about hearing his son speak his first word at the age of three. Reaching that milestone took months of intensive therapy at the Thompson Center for Autism in Columbia. It was an enormous victory for Blake, summed up rather nicely in that first word: "MINE".

When the Hinkels' insurance company refused to pay for Blake's therapy, they willingly took the hit.

Because they know there is a critical period of time to turn on the light in the developing brain of a child with autism. And if that critical time passes, the light goes out.

Children with autism shouldn't have to wait for their parents to come up with the cash, or for insurance companies to grow a conscience.

They need our help now.

For months, I have stood with Democratic and Republican legislators on this issue, and laid out the key elements of a bill that we all know will make a real difference in these children's lives.

This is the year we stand up to insurance companies.

This is the year we make them cover autism.

This is the year we turn on the light for thousands of children like Blake Hinkel.

There's another young man I'd like to tell you about. His name is Travis, and he's up in the balcony tonight with his family. When Travis was 8, both his legs were crushed in a car accident caused by a drunk driver. Travis and his mom, Karen, almost died from their injuries. They told me they feel lucky to be alive.

Travis is 11 now; he's had five operations on his legs so far, and he'll need three more. But he's making steady progress. Please welcome this brave young man and his family.

The man behind the wheel of the car that hit Travis and his family had a prior conviction for drunk driving. But there he was - drunk again - coming at them the wrong way on an exit ramp. Travis and his family paid a terrible price for that man's terrible crime.

And that's why I have proposed legislation to effectively prosecute and punish drunk drivers and - most important - yank their licenses, and get them off the road before they shatter more lives. I urge you to send that bill to my desk this year.

Any long-term strategy for improving Missouri's economy, and enhancing our quality of life, must take full advantage of our natural heritage: our woodlands and our streams, our caves and our canyons, our plains and our prairies.

Hunting, fishing, hiking and camping are part of our Missouri way of life. When I was a kid, I did a lot of fishing with my dad. We'd get up early, toss our gear in the back of the station wagon and head down to Bennett Spring or Montauk. I'd be hip-deep in cold water before the mist had rolled off the river.

I spent many golden hours learning to read the river, learning to tie flies that could fool a trout. That kindled my love of the outdoors, which I passed along to my sons - and I hope they'll pass along to theirs.

We need to get more kids off the couch, away from their video games and back outdoors, because there are some lessons that only Nature can teach.

Tonight, I am pleased to announce the creation of the Missouri State Parks Youth Corps. We'll put more than a thousand young people to work this summer at our 85 state parks and historic sites.

Our park system is a legacy passed on to us by Missourians of extraordinary vision and generosity. Missourians like Edmund Babler, Peter Bennett and Leo Drey; Annie Van Meter, and Ted and Pat Jones. Even in these lean times, we have a responsibility to be good stewards of these treasures, and preserve them for future generations.

My Parks Youth Corps will learn to be good stewards of the land from the ground up: picking up trash, cutting brush, and building trails.

They'll also be outdoor ambassadors in my effort to reverse a 10-year decline in the number of visitors to our beautiful, affordable state parks. More visitors will also pump more money into our tourism industry.

For families who love the outdoors, there's just no better deal around. Now we've got to spread the word: If you like to kayak or fish, bird-watch or mountain bike, come to Missouri first.

Missouri's land has always been the foundation of our economy. Our farmers have fed the nation, and they can feed a hungry world. In a global marketplace, the demand for Missouri agricultural products is primed to expand exponentially.

We've got to sell globally, and buy locally.

This year, we'll sell a record amount of corn and soybeans to Taiwan. That's good for our trade balance and good for our farmers.

Here at home, every Missouri family should be able to share the bounty of the land, including fresh, healthy produce. That's why my budget will help promote local farmers markets, and encourage more folks to start community gardens in their neighborhoods.

I've focused this evening on our shared obligations: creating jobs, managing the budget and holding down taxes. I've talked about working together to make our communities safer, stronger and healthier. I've talked about making strategic, long-term investments in Missouri's future.

But we have one more piece of unfinished business: Ethics.

It's time we gave the people of Missouri a state government that's as honest and straight-shooting as they are.

Last year, we demolished the patronage system long-used for awarding license fee offices. We created a more efficient system with a transparent bidding process. And it will produce revenue we can put to good use.

Two years ago, the legislature passed a bill to pay for college for the families of veterans killed or seriously disabled in combat. Just one problem: no funding.

Last year, the legislature passed a bill to pay a survivors' benefit to the families of firefighters, police officers, state troopers and sheriff's deputies killed in the line of duty. Same problem: no funding.

With the \$800,000 our new fee office system will produce, we can finally do right by these heroes and their families, and fund both of these programs this year.

Good government really does pay dividends.

And we can do more. We can pass meaningful ethics reform this year.

There are a number of good reform proposals out there. But to my mind, meaningful ethics reform must do four basic things:

Stop the sneaky, back-door donations from committee-to-committee.

Ban one officeholder from working as a political consultant for another officeholder.

Shut the revolving door between the legislature and lobbyists, for good.

And most importantly, set strict limits on campaign contributions. Missouri voters overwhelmingly mandated them. As Attorney General, I fought for them. The U.S. Supreme Court upheld them.

It's the right thing to do.

In the last year, I've logged thousands of miles traveling our great state. I've had coffee with small business owners on Main Street, and chewed the fat with cattlemen. I've visited with combat veterans and college kids, schoolteachers and scientists.

I've met hard-working families struggling to pay their bills, and laid-off factory workers with no health insurance.

A lot of folks are worried about their jobs. About how they're going to pay the mortgage and medical bills. They're anxious about retirement, and what, if anything, will be left for their kids and grandkids.

But not once - not one single time - did I hear anyone say: "Poor me."

Not once did anyone tell me, "Governor, I give up."

Times may be tough.

But Missourians are tougher.

Remember the lesson of the ice storm: Our greatest strength lies in one another.

If we can hang tough a little longer, work together and stay on the path, we're going to keep climbing . . . and climbing . . . and climbing . . . until we see the bright horizon.

Because Missouri's future is bright.

Even now, there are glimmers of recovery. Some parts of our economy - like health care and technology - are starting to hire again.

Home sales and industrial production are beginning to tick upward. Consumers are cautiously starting to spend.

These first warm rays of recovery are a sign that our discipline and hard work of the past year are paying off for the people of Missouri.

And at the end of the day, whether we vote red, blue or purple, most of us want the same things.

A state that's competitive and prosperous.

A state where hard-working people can find a decent job, buy a house and raise a family.

A state brimming with opportunity, so our children can sink roots and raise families of their own.

A state where health care is abundant and affordable.

A state where every child gets a first-rate education.

A state whose natural beauty beckons us to hike and bike, hunt and fish.

And a state where neighbors help neighbors.



Do we have hard work ahead of us? Yes, we do.

Will we make progress this year? Yes, we will.

Can we move faster if we work together? Absolutely.

Tonight, let's swear an oath, to the people of the state we love and to each other - that nothing will stand in the way of rebuilding our economy and reimagining our future.

Let's make 2010 the year we put politics second, and put Missouri first.

Thank you.

And God bless Missouri.

The Joint Session was dissolved by Senator Engler.

Speaker Richard resumed the Chair.

## COMMITTEE REPORTS

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1442**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Workforce Development and Workplace Safety**, Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **HB 1544**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 80**, introduced by Representatives Schieffer, Komo, Scavuzzo, Fischer (107), Fallert and Norr, relating to bird, fish, game, wildlife, or forestry resources.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1714**, introduced by Representatives Parson, Funderburk and Bivins, relating to the licensing of home inspectors.

**HB 1715**, introduced by Representatives Parson and Funderburk, relating to state employee health insurance benefits.

**HB 1716**, introduced by Representative Curls, relating to lost and unclaimed property.

**HB 1717**, introduced by Representatives Schieffer, Atkins, Walton Gray, Norr, Liese and Hodges, relating to payment of property taxes.

**HB 1718**, introduced by Representatives Schieffer, Emery, Komo, Gatschenberger, LeBlanc, Munzlinger, Hodges, Scavuzzo, Fischer (107), Fallert and Norr, relating to sales taxes on firearms and ammunition.

**HB 1719**, introduced by Representatives Schieffer, Atkins, Nolte, LeBlanc and Hodges, relating to deceptive advertising practices.

**HB 1720**, introduced by Representatives Schieffer, Gatschenberger, LeBlanc and Biermann, relating to temporary motorcycle permits.

**HB 1721**, introduced by Representatives Schieffer, Atkins, LeBlanc, Aull and Hodges, relating to text messaging while operating a motor vehicle.

**HB 1722**, introduced by Representatives Schieffer, Colona, Dixon and Englund, relating to temporary motorcycle permits.

**HB 1723**, introduced by Representatives Schieffer, Norr and Biermann, relating to driver's license testing fees.

**HB 1724**, introduced by Representative Sutherland, relating to transient guest taxes for tourism.

**HB 1725**, introduced by Representatives Pollock, Wells, Flook, Dugger, Wilson (119), Koenig, Dieckhaus, Brown (149), Denison, Nieves, Pratt, Schoeller, Stevenson, Dethrow, Munzlinger, Guernsey, Faith, Funderburk, Schad, Sander, Casey, Fischer (107) and Harris, relating to health insurance coverage for elective abortions.

**HB 1726**, introduced by Representative Jones (117), relating to failing to register as a sex offender.

**HB 1727**, introduced by Representatives Zimmerman, LeVota, Quinn, Walsh, Bringer, Webber, Fallert, Storch, Aull, Dougherty, Todd, Kander, Walton Gray, Pace, Morris, Schoemehl, Hodges, Yaeger, Scavuzzo, McDonald, Skaggs, Burnett, Englund, Frame, Kirkton, Schupp, Newman, Grill, Fischer (107), Low, McNeil, Colona, Oxford, Harris, Still, Biermann, Schieffer, Lampe, Webb, McClanahan, Rucker, Talboy, Corcoran, Vogt, Curls, Holsman, Shively, Brown (50), Casey, Salva, Hummel, Norr, Atkins, LeBlanc, Carter, Meiners, Kelly, Kuessner, Swinger, Meadows, Chappelle-Nadal, Hughes, Kraus and Molendorp, relating to ethics.

**HB 1728**, introduced by Representatives Zimmerman, Funderburk, Day, LeVota, Carter, Talboy, Atkins, Schieffer, Grill, Kander, Oxford, Kirkton, Roorda, Schupp, Guest, Scavuzzo, McNeil, Corcoran, Colona, Yaeger, Schaaf, Walton Gray, Lampe, Pace, Englund, Hodges, Wells, Weter and Wilson (119), relating to ballots.

**HB 1729**, introduced by Representatives Wallace, Wilson (119), Emery, Schad, Cunningham, Fisher (125), Schlottach, Sater, Denison, Viebrock, Nance, Munzlinger, Hobbs, Walton Gray, Pollock and Weter, relating to collection of delinquent and back taxes in counties.

**HB 1730**, introduced by Representative Schieffer, relating to the forty-fifth judicial circuit.

**HB 1731**, introduced by Representatives Brown (50), Walton Gray, Oxford, Pace, Englund, Nasheed, Calloway, Scavuzzo, Colona, Morris, Dougherty, McDonald, Chappelle-Nadal, Hodges, Meadows, Fischer (107), Hummel, Atkins, Casey, Hughes and Biermann, relating to obesity.

**HB 1732**, introduced by Representatives Brown (50), Walton Gray, Oxford, Englund, Nasheed, Pace, Calloway, Scavuzzo, Morris, Colona, Hodges, Meadows, Fischer (107), Harris, McNeil, Newman, Hummel, Casey, Atkins, Hughes and Jones (89), relating to the coordination of school health programs.

**HB 1733**, introduced by Representatives Stream, Storch, Tilley, Kirkton, LeVota, Talboy, Webb, Zerr, Biermann, Still, Brown (50), Nasheed, Hoskins (121), Schupp, Schieffer, Oxford, Aull, Sutherland, Schoemehl, Hodges, Zimmerman, Vogt, Walsh, Meiners, Newman, Low, Faith, Jones (63), Englund, Norr, Allen, Grisamore, Lampe, Schaaf and Denison, relating to eating disorders.

**HB 1734**, introduced by Representatives Storch, Stream, Kirkton, LeVota, Talboy, Webb, Zerr, Biermann, Still, Brown (50), Nasheed, Hoskins (121), Schupp, Schieffer, Oxford, Grisamore, Aull, Lampe, Sutherland, Schoemehl, Hodges, Zimmerman, Vogt, Walsh, Meiners, Newman, Low and Faith, relating to eating disorders.

**HB 1735**, introduced by Representative Cooper, relating to discrimination in promulgation of regulations for certain health care professionals.

**HB 1736**, introduced by Representative Cooper, relating to the Missouri state water patrol fund.

**HB 1737**, introduced by Representatives Storch, LeVota, Talboy, Webb, Walton Gray, Still, Nasheed, Atkins, Schupp, Oxford, Grisamore, Lampe, Norr, Meiners and Chappelle-Nadal, relating to affordable housing.

**HB 1738**, introduced by Representatives Guernsey, Thomson and Lair, relating to physician assistants.

**HB 1739**, introduced by Representatives Walsh, Hummel, Meiners, Storch, Atkins, Casey, Norr, Calloway, Kander, Spreng, Carter, Zimmerman, LeVota, Hughes, Schoemehl, Bruns, McNary, Roorda, Chappelle-Nadal, Webb, Hoskins (80), Colona, Funderburk, Kirkton and Cox, relating to political subdivisions.

**HB 1740**, introduced by Representative Storch, relating to treatment of certain sexually transmitted diseases.

**HB 1741**, introduced by Representative Pratt, relating to board meetings of corporations.

**HB 1742**, introduced by Representatives Stevenson, Bringer, Cox, Kelly and Fischer (107), relating to driving while intoxicated.

**HB 1743**, introduced by Representatives Stevenson, Bringer, Kelly and Fischer (107), relating to driving while intoxicated.

**HB 1744**, introduced by Representatives Day, Kuessner, Brown (149), Smith (150), Weter, Nance, Wallace, Casey, Schieffer, Pace, Sander, Quinn, Grisamore, Nolte, Atkins, Meadows, Cooper and Scharnhorst, relating to boating.

**HB 1745**, introduced by Representatives Day, Webber, Smith (14), Brown (149), Wilson (130), Flanigan, Grisamore, Nasheed, Roorda, Sater, Harris, Wells, Norr, Corcoran, Dieckhaus, Walton Gray, Munzlinger, Atkins, Storch, Englund and Gatschenberger, relating to abandoned military medals.

**HB 1746**, introduced by Representative Lipke, relating to private probation services.

**HB 1747**, introduced by Representatives Viebrock, Burlison, Wallace, Brown (149), Wilson (119), Pollock, Munzlinger, Schad, Atkins, Wright and Guest, relating to registration and inspection of horse meat establishments.

**HB 1748**, introduced by Representatives Lampe, Kuessner, Biermann, Still, Kirkton, Schupp, Talboy, Roorda, Scavuzzo, Jones (63) and Holsman, relating to distressed water bodies.

## COMMITTEE APPOINTMENT

January 20, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Tom McDonald as a member of the Special Standing Committee on General Laws.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## COMMUNICATION

January 19, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Section 105.461 of the Revised Statutes of Missouri, this letter is to advise I am hereby filing a written report with your office of a possible personal interest on which the House of Representatives may vote on during the legislative session. I have a son who is employed with the Missouri Department of Corrections; and some of the issues, bills and amendments that I will be voting on could have a direct impact on my family.

I request that you publish this letter in the Journal of the House. Thanking you in advance, I remain

Sincerely,

/s/ Paul Quinn  
State Representative  
District 9

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 21, 2010.

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Thursday, January 21, 2010, House Chamber south gallery upon morning adjournment.  
Executive session.

### **APPROPRIATIONS - EDUCATION**

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 1.  
Department of Elementary and Secondary Education budget presentation

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 3.  
Budget overview presentation and public testimony: Public Defender

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 5.  
Continuation of public and provider testimony.  
Contact Representative Sater's office to sign up.

### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 6.  
Public hearing.

### **ELECTIONS**

Tuesday, January 26, 2010, 8:15 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 1497

### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.  
First quarter meeting.

### **JOINT COMMITTEE ON TAX POLICY**

Wednesday, January 27, 2010, 3:00 p.m. Senate Committee Room 1.  
Recommendation meeting.  
Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters a vote may be taken to hold a closed meeting.

### **TOURISM**

Thursday, January 21, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 1542

**HOUSE CALENDAR**

NINTH DAY, THURSDAY, JANUARY 21, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 80

**HOUSE BILLS FOR SECOND READING**

HB 1714 through HB 1748

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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NINTH DAY, THURSDAY, JANUARY 21, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

"Dew and rain bless the Lord. Praise and exalt Him above all forever."

Almighty God, as the rain falls upon our State, nourishing the land and sustaining all things that live, so may Your helping grace fall upon all our people.

May Your helping grace fall upon us, that our work of service might lead to a growing job market, strong education, even if with less money, and healthcare available to all.

We pray that one outcome of our work, and the work of all who serve our State, be a growth in justice and equity.

We give glory to You Almighty God, who live and reign forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighth day was approved as printed by the following vote:

AYES: 152

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icey	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman



Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Sarnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway	Curls	Funderburk	Low	Meadows
Webber				

VACANCIES: 004

### **SPECIAL RECOGNITION**

Drs. Robert McCollum, Donald Meyer, Norman Freiburger, James Trout, Ronald Davis, Dorsey Moore, Ellis Memos and Ms. Harriet Morris were introduced by Speaker Pro Tem Pratt and recognized for 50 years of service in the dental profession.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 189 through House Resolution No. 219

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Burnett, et al., offered House Concurrent Resolution No. 33.  
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 36.  
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 37.  
 Representative Icet, et al., offered House Concurrent Resolution No. 38.

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 80** was read the second time.

### **SECOND READING OF HOUSE BILLS**

**HB 1714** through **HB 1748** were read the second time.

## REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 48** - Special Standing Committee on General Laws
- HJR 50** - Special Standing Committee on General Laws
- HJR 76** - Conservation and Natural Resources

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1210** - Crime Prevention
- HB 1225** - Tax Reform
- HB 1227** - Tax Reform
- HB 1255** - Small Business
- HB 1316** - Tax Reform
- HB 1432** - Job Creation and Economic Development
- HB 1433** - Judiciary
- HB 1498** - Health Care Policy
- HB 1514** - Tax Reform
- HB 1521** - Senior Citizen Advocacy
- HB 1675** - International Trade and Immigration
- HB 1684** - Job Creation and Economic Development
- HB 1695** - Crime Prevention

## COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HCR 7**, **HCR 3** and **HCR 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NOS. 7, 3, & 17

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, Section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year the State Tax Commission is required under Section 137.021, RSMo, to promulgate by regulation a value for each grade of agricultural and horticultural land based on productive capability; and

WHEREAS, the State Tax Commission, in accordance with Section 137.021, RSMo, did on December 15, 2009, propose a value for each of the several grades of agricultural and horticultural land for the 2011 and 2012 assessment years; and

WHEREAS, Missouri farms are divided into eight grade categories based on land quality, with the best farms in Grade 1 and the worst in Grade 8; and

WHEREAS, the State Tax Commission increased the value for farms in the four best categories which is generally cropland, lowered values for three lesser categories which include pastures, and made no change to the lowest category; and

WHEREAS, Missouri farmers are currently carrying some of the highest debt load in the nation and simply cannot afford to pay a property tax increase at this time; and

WHEREAS, Section 137.021, RSMo, permits the General Assembly to disapprove within the first sixty days of the next Regular Session of the General Assembly the agricultural and horticultural values as proposed by the State Tax Commission:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby disapprove the State Tax Commission's proposed state regulation to be promulgated under Section 137.021, RSMo, establishing agricultural land values for the 2011 and 2012 assessment years; and

BE IT FURTHER RESOLVED that the General Assembly recommends that the State Tax Commission review the current procedure for determining and establishing agricultural land values; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

**Committee on Tourism, Chairman Zerr reporting:**

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1542**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## **INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were read the first time and copies ordered printed:

**HCR 34**, introduced by Representatives Icet, Kingery, Jones (117), Wilson (119), Denison, Zerr, Smith (150), Ruzicka, Hoskins (121), Koenig, Fisher (125), Jones (89), Diehl, Sater, Gatschenberger, Cox, Molendorp, Nance, Guernsey, Bivins, Munzlinger, Day, Dethrow, Grill, Stream, Kraus, Tracy, Wilson (130), Flanigan, Stevenson, Lair, Nieves, Sutherland, Schlottach, Sander, Ruestman, Burlison, Dusenberger, Wasson, Funderburk, Ervin, Emery, Silvey, Storch, Dieckhaus and Schaaf, relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

**HCR 35**, introduced by Representatives Kelly, Tilley, Harris, Storch, Fischer (107), Icet, Jones (117), Brown (149), Flook, Kraus, McNary, Scavuzzo, Schlottach, Burlison, McGhee, Atkins, Hodges, Englund, Swinger, Zerr, Sater, Meadows, Schaaf, Diehl, Cooper, Nance, Grill, Wilson (130), Nieves, Quinn, Ruestman, Nolte, Bruns, McDonald, Guernsey, Komo, Fallert, Kratky, Aull, Lampe, Webber, Silvey and Bivins, relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

## **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 81**, introduced by Representatives Diehl, Nieves, Dieckhaus, Sander, Ruestman, Guernsey, Cox, Burlison, Grisamore, Funderburk, Zerr, Jones (89) and Koenig, relating to taxation.

**HJR 82**, introduced by Representatives Emery, Funderburk, Sander, Dieckhaus, Allen, Scharnhorst, Ruestman, Munzlinger, Lair, Nieves, Dougherty, Viebrock, Schlottach, Wright, Kingery, Schad, Schaaf, Jones (117), Gatschenberger, Wilson (130), Ervin, Pollock, Wells, McGhee, Fisher (125), Zerr, Icet, Smith (14) and Tracy, relating to impeachment trials.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1749**, introduced by Representatives Storch, LeVota, Talboy, Webb, Still, Nasheed, Atkins, Grill, Schupp, Schieffer and Lampe, relating to initiative and referendum petitions.

**HB 1750**, introduced by Representatives Jones (89), Bivins, Funderburk, Leara, Schaaf, Dougherty, Dieckhaus, Viebrock, Hughes, Spreng, Biermann, Diehl, Tilley, Hoskins (80), Carter, Webb, Jones (63), Colona, Nasheed, Nieves and Corcoran, relating to exchange access rates.

**HB 1751**, introduced by Representatives Meadows, Zerr, Schieffer, Atkins, Fallert and Roorda, relating to prohibited acts on excursion gambling boats.

**HB 1752**, introduced by Representatives Chappelle-Nadal, Casey, Hodges, Schieffer, Pace, Walton Gray, Morris, Oxford, Storch, Hoskins (80), Nasheed, Carter, Biermann and Schupp, relating to the public school retirement system.

**HB 1753**, introduced by Representatives Chappelle-Nadal, Colona, Morris and Walton Gray, relating to workforce development.

**HB 1754**, introduced by Representatives Chappelle-Nadal, Smith (150), Oxford, Morris and Schoeller, relating to public officials.

**HB 1755**, introduced by Representatives Chappelle-Nadal, Oxford and Schieffer, relating to workplace violence.

**HB 1756**, introduced by Representatives Dethrow, Kraus, Wilson (119), Nolte, Komo, Kingery, Sater, Molendorp, Pratt, Schaaf, Fisher (125), Dougherty, Smith (150), Denison, Dusenberg, Sander, Schad, Ruestman, Burlison, Nieves and Emery, relating to concealed carry endorsements.

**HB 1757**, introduced by Representatives Burnett, McGhee, Talboy, Quinn, Tilley, Low, Parson, Curls, Hughes, Skaggs, Silvey, Jones (63), Oxford, Rucker, LeVota, Chappelle-Nadal, Scavuzzo, Walton Gray, Kander, Schupp, Holsman, Jones (89), Meiners, Walsh, Ruestman, Roorda, Kelly and Stevenson, relating to the duties of the board of probation and parole.

**HB 1758**, introduced by Representatives Rucker, Roorda, LeVota, Kuessner, Talboy, Aull, Meiners, Brown (50), Storch, Calloway, Carter, Chappelle-Nadal, Ruzicka, Scavuzzo, Vogt, Casey, Curls, Jones (117), Dusenberg, Leara and Parson, relating to the blue alert system.

**HB 1759**, introduced by Representatives Rucker, Webb, Jones (117), Nasheed, Curls, Hughes, Aull, Harris, Kuessner, Swinger, Schlottach, Schaaf and Shively, relating to abatement of nuisances.

**HB 1760**, introduced by Representatives Rucker, Webb, Harris, Jones (117), Morris, Nasheed, Kuessner, Hughes, Aull, Fisher (107), Schlottach, Carter, Nolte, Walton Gray, Shively and Guest, relating to adverse possession.

**HB 1761**, introduced by Representatives Rucker, Webb, Nasheed, Kuessner, Holsman, Curls, Hughes, Aull, Harris, Schlottach, Nolte, Shively, Fisher (125) and Guest, relating to interference with lawful hunting, fishing or trapping in the second degree.

**HB 1762**, introduced by Representatives Burnett and Stevenson, relating to municipal ordinance violations.

**HB 1763**, introduced by Representatives Burnett, Talboy, Grill and Nasheed, relating to debt-management services.

**HB 1764**, introduced by Representative Diehl, relating to liquidation of certain domestic insurance companies.

**HB 1765**, introduced by Representatives Diehl, Deeken, Cox, Nieves, Schad, Burlison, Grisamore, Funderburk, Zerr, Jones (89), Nolte, Dieckhaus and Koenig, relating to removal from voter registration records.

**HB 1766**, introduced by Representatives Bivins, Schupp, Walton Gray, Newman, Oxford, Allen, Sater, McNeil, McDonald, Carter, Nasheed, Curls, Kirkton, Stream, Scharnhorst, Stevenson, Cooper, Pace, Zimmerman and Calloway, relating to the Missouri indoor clean air act.

**HB 1767**, introduced by Representatives Bivins, Schaaf, Walton Gray, Ruestman and Atkins, relating to sales tax exemptions.

**HB 1768**, introduced by Representatives Bivins, Ruestman and Kirkton, relating to a tax credit for property taxes paid.

**HB 1769**, introduced by Representatives Bivins, relating to minutes of public governmental body meetings.

**HB 1770**, introduced by Representatives Bivins and Atkins, relating to misuse of emergency telephone service.

**HB 1771**, introduced by Representatives Bivins and Atkins, relating to a special license plate.

**HB 1772**, introduced by Representatives Parkinson, Burlison, Emery, Riddle, Faith, Schoeller, Gatschenberger, Hoskins (121), Hobbs, Jones (63), Lampe, Zerr, Nance, Cox, Largent, Molendorp and Grisamore, relating to the Missouri manual.

**HB 1773**, introduced by Representatives Schupp, Tilley, Zimmerman, Talboy, Englund, Fischer (107), Jones (63), Yaeger, Walsh, Still, Atkins, Oxford, Kirkton, Newman, Pace, Kelly, Shively, Quinn, Schieffer, Colona, Holsman, McClanahan, Walton Gray, Webber, Aull, Pratt, Burnett and Corcoran, relating to the University of Missouri board of curators.

**HB 1774**, introduced by Representatives Parson and Fisher (125), relating to circuit clerks.

**HB 1775**, introduced by Representative Shively, relating to the designation of a memorial highway.

**HB 1776**, introduced by Representative Shively, relating to the designation of a memorial highway.

**HB 1777**, introduced by Representatives Walton Gray, Pace, Carter, LeBlanc, Atkins, Oxford, Kuessner, Casey, Nasheed, Morris, Roorda, Funderburk, Dougherty, Kirkton, Newman, Jones (63), Hoskins (80), Lampe, Curls, Schupp, Biermann, McNeil, Brown (50), Grisamore, Hughes, Grill, Rucker, Norr, Low, Still, Holsman, Hummel, Schoemehl and Englund, relating to the designation of colon cancer awareness day.

**HB 1778**, introduced by Representatives Walton Gray, Pace, Carter, LeBlanc, Atkins, Oxford, Kuessner, Casey, Nasheed, Morris, Jones (63), Yaeger, Chappelle-Nadal, Hodges, Dougherty, Roorda, Newman, Hoskins (80), Lampe, Curls, Schupp, Biermann, McNeil, Brown (50), Hughes, Grill, Rucker, Norr, Low, Still, Holsman, Hummel, Schoemehl and Englund, relating to the designation of organ donor awareness day.

**HB 1779**, introduced by Representatives Hoskins (121), Wilson (130), Nolte, Funderburk, Schad, Wells, Ruestman, Dougherty, Allen, McNary, Bivins, Scharnhorst, Stevenson, Zerr, Tracy, Jones (89), Hodges, Schoemehl, Fisher (125), Sater and Schieffer, relating to the business of private investigation.

**HB 1780**, introduced by Representatives Roorda, Jones (117), Meadows, Fischer (107), Harris, Atkins, Talboy, Corcoran, Kratky and Bruns, relating to closed records.

**HB 1781**, introduced by Representatives Riddle, Brown (149), Dixon, Viebrock, Zerr, Guernsey, Cox, Diehl, Smith (150), Franz, Bruns, Cunningham, Jones (117), Jones (89), Nolte, Flook, Icet, Kingery, Loehner, Wallace, Sander, Kraus, Munzlinger, Gatschenberger, Day, Wright, Fisher (125), Lair and Viebrock, relating to concealed carry endorsements.

**HB 1782**, introduced by Representatives Nolte, Fisher (125), Weter and Nance, relating to disposable cell phone purchases.

**HB 1783**, introduced by Representatives Nolte, Fisher (125), Weter and Smith (150), relating to a motor fuel tax holiday.

**HB 1784**, introduced by Representatives Nolte, Fisher (125), Weter, Smith (150), Nance, Schieffer, Atkins and Ruestman, relating to property assessments.

**HB 1785**, introduced by Representative McGhee, relating to the department of corrections authority to receive and disburse grants and federal funds.

**HB 1786**, introduced by Representatives Jones (89), Carter, Hummel, Komo, Funderburk, Roorda, Colona, Grisamore, Lampe, Grill and Kander, relating to public funding to attract sporting events to Missouri.

**HB 1787**, introduced by Representatives Jones (117), Dougherty, Grisamore, Viebrock, Smith (150), Wells, Ruzicka, Fisher (125), Cox, Weter, Jones (89), Wilson (119), Lair, Biermann, Nieves, Schieffer, Hodges, Dusenberger, Franz, Munzlinger and Funderburk, relating to criminal justice.

**HB 1788**, introduced by Representatives Parson, Funderburk, Scharnhorst, Smith (150), Thomson, Bivins, Jones (117), Schad and Munzlinger, relating to petition circulators.

## COMMUNICATION

January 14, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol-Room 306C  
Jefferson City, MO 65101  
RE: Possible Personal Interest in Legislation

Dear Chief Clerk Crumbliss,

Pursuant to Section 105.461, RSMO, I am hereby filing a written letter of a possible interest in legislation that may be voted on during this legislative session.

As an employee on the administrative side of Lindenwood University, I deal with processing government grants, scholarships, and the majority of student loans for my assigned students from Lindenwood University. One of the main requirements of my job is to make sure that the students receive the best possible grants, scholarships, or student loans they qualify for. Possible legislation regarding grants, scholarships and student loans could impact certain aspects of my employment that could come to the Missouri House of Representatives.

In compliance with Section 105.461, RSMO, would you please publish this letter in the Missouri House of Representatives Journal? If you have any questions, please call my office and I will be more than happy to answer them for you. Thank you for your time and help in this matter.

Respectfully Yours,

/s/ Joe Smith  
Representative  
District 14

## WITHDRAWAL OF HOUSE BILL

January 20, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
201 W. Capitol Avenue  
Jefferson City, MO 65101

Dear Chief Clerk,

I respectfully request **House Bill No. 1389** be withdrawn.

Please do not hesitate to contact me if I can provide any additional information. Thank you.

Sincerely,

/s/ Charlie Norr  
State Representative  
137<sup>th</sup> District

The following members' presence was noted: Curls, Funderburk, Low and Webber.



## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday January 25, 2010.

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, January 26, 2010, 2:00 p.m. Hearing Room 4.  
Department of Agriculture FY 2011 budget presentation.

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 4.  
Department of Conservation FY 2011 budget presentation.

### **APPROPRIATIONS - EDUCATION**

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 1.  
Department of Elementary and Secondary Education budget presentation.

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 3.  
Budget overview presentation and public testimony: Public Defender

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, January 26, 2010, 8:00 a.m. Hearing Room 3.  
Organizational meeting.  
Public testimony: Departments of Transportation; Economic Development; Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration.

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, January 26, 2010, 2:00 p.m. Hearing Room 7.  
Public testimony: Departments of Transportation; Economic Development; Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration.

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.  
Departments of Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration budget presentation.

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.  
Departments of Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.  
Department of Economic Development budget presentation.

#### ELECTIONS

Tuesday, January 26, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1497

#### INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, January 27, 2010, 5:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 1675

#### JOINT COMMITTEE ON EDUCATION

Tuesday, January 26, 2010, 12:30 p.m. Hearing Room 6.

Review studies assigned to the Joint Committee on Education.

Urban Governance, Open Enrollment and Charter Schools.

#### JOINT COMMITTEE ON TAX POLICY

Wednesday, January 27, 2010, 3:00 p.m. Senate Committee Room 1.

Recommendation meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters a vote may be taken to hold a closed meeting.

#### RULES - PURSUANT TO RULE 25(32)(f)

Monday, January 25, 2010, Hearing Room 5 upon afternoon adjournment.

Possible Executive session.

Public hearing to be held on: HCS HCR 7, 3 & 17, HCS HB 1377, HB 1442, HB 1542, HCS HB 1544

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, January 26, 2010, 3:00 p.m. Hearing Room 5.

Public hearing to be held on: HB 1324, HB 1326, HB 1337, HB 1414, HB 1434

#### SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 5.

Working session.

No public testimony.

#### SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, January 25, 2010, 12:00 p.m. Hearing Room 6.

Informational meeting only relating to Workers' Compensation/Second Injury Fund.

No legislation will be discussed.

#### TRANSPORTATION

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 7.

Organizational meeting.

Informational legislative updates from Department of Transportation and Department of Revenue.

**HOUSE CALENDAR**

TENTH DAY, MONDAY, JANUARY 25, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 34 and HCR 35

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 81 and HJR 82

**HOUSE BILLS FOR SECOND READING**

HB 1749 through HB 1788

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TENTH DAY, MONDAY, JANUARY 25, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, You said in Your Word that when the righteous are in authority; the people rejoice.....(*Proverbs 29:2*).

Lord, You are the ultimate authority, all authority originates from You and You are high above all stated or bestowed authority.

I pray for the leaders of this Assembly. They need Your help. You've said in Your Word that if anyone lacks wisdom, let them ask. So I ask, on behalf of every representative, that You would grant them wisdom, insight into the true nature of things. And since there is safety in a multitude of counselors, surround them with wise counselors. Give them divine guidance. Help them to understand the times in which we live and show them the right course to take for this state.

Put a hedge of protection around each of Your servants and their family. Bless them with peace. May Your grace be sufficient and may each one receive the inner confidence that You are in control.

Now may the God of peace make us complete in every good work to do His will, working in us what is well pleasing in His sight. To Him be glory forever and ever.

In the name of your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the ninth day was approved as printed by the following vote:

AYES: 147

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent

Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Calloway	Cooper	Diehl	Dixon
Hoskins 121	Low	McDonald	Rucker	Ruestman
Schoemehl				

VACANCIES: 004

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 220 through House Resolution No. 240

## HOUSE CONCURRENT RESOLUTION

Representative Gatschenberger, et al., offered House Concurrent Resolution No. 39.

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 34** and **HCR 35** were read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 81** and **HJR 82** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1749** through **HB 1788** were read the second time.

## **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 34** - Budget  
**HCR 35** - Budget  
**HCR 38** - Budget

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1390** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 1655** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 1708** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 1727** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 1754** - Special Standing Committee on Governmental Accountability and Ethics Reform

## **COMMITTEE REPORTS**

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HCRs 7, 3 & 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1377**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1442**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1542**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1544**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 83**, introduced by Representatives Hodges, Atkins, Walton Gray, Nance, Storch, Kraus, Wilson (119), Schieffer, Pollock and Wells, relating to exemption of personal property for active duty military personnel.

**HJR 84**, introduced by Representative Aull, relating to bonded indebtedness of school districts.

**HJR 85**, introduced by Representative Aull, relating to volunteer bingo game operations.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1789**, introduced by Representatives Thomson, Wallace, Nance, Wilson (119), Ruzicka, Wright and Aull, relating to grants for small schools.

**HB 1790**, introduced by Representatives Flook, Kander, Schad, Faith, Storch, Roorda, Ervin, Fisher (125), Grill, Stevenson, Bivins, Schieffer, McNary, Corcoran and Webber, relating to the Missouri false claims act.

**HB 1791**, introduced by Representative LeVota, relating to a surcharge for criminal cases.

**HB 1792**, introduced by Representative Parson, relating to minimum wage law.

**HB 1793**, introduced by Representative Molendorp, relating to county annual budgets.

**HB 1794**, introduced by Representatives Aull, Colona, Yaeger, Nance, Atkins, Wallace, Walton Gray, Pace, Roorda, Corcoran, Scavuzzo, Meadows, Schupp, Still, Schieffer, Morris, Englund, Sater, Kelly and Norr, relating to school violence prevention.

**HB 1795**, introduced by Representatives Aull, Yaeger, Nance, Atkins, Wallace, Walton Gray, Pace, Roorda, Scavuzzo, Spreng, Wells, Meadows, Schupp, Sutherland, Kuessner, Kelly, Still, Schieffer, Fallert, Jones (89), Jones (117), Franz, Scharnhorst, Talboy, Funderburk, Deeken, Hummel, Englund, Shively and Smith (150), relating to the civil air patrol.

**HB 1796**, introduced by Representative Aull, relating to insurance premium rates.

**HB 1797**, introduced by Representative Aull, relating to the joint committee on education.

**HB 1798**, introduced by Representatives Bruns, Nance, Kelly and Viebrock, relating to the state employee deferred compensation program.

**HB 1799**, introduced by Representatives Cox, Stevenson, Munzlinger and Sater, relating to the uniform interstate family support act.

**HB 1800**, introduced by Representatives Gatschenberger, Nieves, Biermann, Ruestman, Dusenberg, Dougherty, McGhee, Wells and Sater, relating to homestead property tax exemptions for senior citizens.

**HB 1801**, introduced by Representatives Gatschenberger, Wallace, Ruestman, Dougherty and Funderburk, relating to mandatory school attendance.

**HB 1802**, introduced by Representatives Gatschenberger, Munzlinger, Wilson (130), Parkinson, Pratt, Nieves, Calloway, Dusenberger, Ruestman, Schieffer, Dougherty, Grisamore, Koenig, Wells, Lair, Sater and Funderburk, relating to the purchase of rifles and shotguns.

**HB 1803**, introduced by Representatives Gatschenberger, Jones (89), Funderburk, Nieves, Dieckhaus, Ruestman, Wells, Kraus, Chappelle-Nadal, Dougherty and Koenig, relating to drug testing of school employees.

**HB 1804**, introduced by Representatives Kirkton, Stevenson, Oxford, McNeil, Atkins, Schupp, Storch, Deeken, Jones (117), Morris, Pace, Meiners and Walton Gray, relating to ignition interlock devices.

**HB 1805**, introduced by Representatives Smith (150), Pollock, Munzlinger, Zerr and Grisamore, relating to job creation.

### COMMITTEE APPOINTMENTS

January 25, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Michael Corcoran as a member of the Public Safety Committee, and appoint Representative Linda Fischer as a member of the Public Safety Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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January 25, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Steve Webb as a member of the Special Standing Committee on Professional Registration and Licensing.



If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

The following members' presence was noted: Cooper, Dixon, McDonald and Rucker.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, January 26, 2010.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, January 26, 2010, 2:00 p.m. Hearing Room 4.  
Department of Agriculture FY 2011 budget presentation.

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 4.  
Department of Conservation FY 2011 budget presentation.

#### **APPROPRIATIONS - EDUCATION**

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 1.  
Department of Elementary and Secondary Education budget presentation

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 3.  
Budget overview presentation and public testimony: Public Defender

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, January 27, 2010, Hearing Room 3 upon morning adjournment.  
Budget overview presentation: Office of Administration

#### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Tuesday, January 26, 2010, 2:00 p.m. Hearing Room 6.  
Public testimony.

#### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, January 26, 2010, 8:00 a.m. Hearing Room 3.  
Organizational meeting.  
Public testimony: Departments of Transportation; Economic Development; Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, January 26, 2010, 2:00 p.m. Hearing Room 7.

Public testimony: Departments of Transportation; Economic Development; Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.

Departments of Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.

Departments of Labor and Industrial Relations; and Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.

Department of Economic Development budget presentation.

BUDGET

Wednesday, January 27, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HCR 34, HCR 35, HCR 38

CRIME PREVENTION

Wednesday, January 27, 2010, Hearing Room 5 upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 1210, HB 1695

ELECTIONS

Tuesday, January 26, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1497

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 27, 2010, 8:00 a.m. Hearing Room 6.

Executive session may be held.

HEALTH CARE POLICY

Wednesday, January 27, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Public hearing to be held on: HB 1498

INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, January 27, 2010, 5:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 1675

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, January 26, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1635

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, January 27, 2010, 3:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1684

JOINT COMMITTEE ON EDUCATION

Tuesday, January 26, 2010, 12:30 p.m. Hearing Room 6.

Review studies assigned to the Joint Committee on Education.

Urban Governance, Open Enrollment and Charter Schools.

JOINT COMMITTEE ON TAX POLICY

Wednesday, January 27, 2010, 3:00 p.m. Senate Committee Room 1.

Recommendation meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters a vote may be taken to hold a closed meeting.

JUDICIARY

Wednesday, January 27, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1433

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Thursday, January 28, 2010, 8:30 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HJR 57

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, January 26, 2010, 3:00 p.m. Hearing Room 5.

Public hearing to be held on: HB 1324, HB 1326, HB 1337, HB 1414, HB 1434

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 5.

Working session.

No public testimony.

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Wednesday, January 27, 2010, 4:00 p.m. Hearing Room 5.

Working session.

No public testimony.

**TAX REFORM**

Wednesday, January 27, 2010, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1316, HB 1514, HB 1225, HB 1227

**TRANSPORTATION**

Tuesday, January 26, 2010, 12:00 p.m. Hearing Room 7.

Organizational meeting.

Informational legislative updates from Department of Transportation and Department of Revenue.

**HOUSE CALENDAR**

ELEVENTH DAY, TUESDAY, JANUARY 26, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 83 through HJR 85

**HOUSE BILLS FOR SECOND READING**

HB 1789 through HB 1805

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1442 - Jones (89)
- 2 HCS HB 1544 - Fisher (125)
- 3 HB 1542 - Deeken

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 7, 3 & 17, (1-21-10, Pages 125-126) - Munzlinger

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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ELEVENTH DAY, TUESDAY, JANUARY 26, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Blessed be God Who has begun a good work in us. Blessed be the name of the Lord.

O God, in Your wise providence, You are glad to bless the deliberations of all women and men who come together seeking first the good of others and the common good.

Bless these men and women in their work today. Grant that all who plan and conduct the business of this Assembly may, through Your guidance and support, come to right decisions, filled with justice and equity.

Almighty God, to You be honor and glory forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Stephen Greek and Kelsey Parrott.

The Journal of the tenth day was approved as printed by the following vote:

AYES: 152

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock

Pratt	Quinn	Riddle	Roorda	Rucker
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 002

Burnett Talboy

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50 Cooper McNary Ruestman Schoemehl

VACANCIES: 004

## **SPECIAL RECOGNITION**

The Joplin High School Constitution Team was introduced by Speaker Richard and recognized for attaining second place in the "We the People" competition.

Abigail Maiden - Miss Missouri Princess Queen, Tiffany Brown - Miss Missouri Junior Preteen Queen, Allison Higgins - Missouri Junior Preteen Cover Girl, Faith Jordan - Miss Missouri Preteen Queen, Serene Holland - Missouri Preteen Cover Girl, Brittney Sears - Miss Missouri Junior Teen Queen, Jennifer Mueller - Missouri Junior Teen Cover Girl and Megan Flaughner - Miss Missouri Teen Queen were introduced by Representative Schieffer.

## **HOUSE RESOLUTION**

Representative Jones (89) offered House Resolution No. 263.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 241 through House Resolution No. 262  
House Resolution No. 264 through House Resolution No. 285

## **HOUSE CONCURRENT RESOLUTIONS**

Representative Wallace, et al., offered House Concurrent Resolution No. 40.  
Representative Talboy, et al., offered House Concurrent Resolution No. 41.  
Representative Cunningham offered House Concurrent Resolution No. 42.

**SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 83** through **HJR 85** were read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 1789** through **HB 1805** were read the second time.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 263** - Rules

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1206** - Agri-Business  
**HB 1207** - Rural Community Development  
**HB 1239** - Agri-Business  
**HB 1244** - Ways and Means  
**HB 1291** - Agri-Business  
**HB 1352** - Agri-Business  
**HB 1473** - Higher Education  
**HB 1507** - Ways and Means  
**HB 1513** - Job Creation and Economic Development  
**HB 1520** - Tax Reform  
**HB 1552** - Elementary and Secondary Education  
**HB 1553** - Elementary and Secondary Education  
**HB 1582** - Ways and Means  
**HB 1610** - Utilities  
**HB 1615** - Job Creation and Economic Development  
**HB 1616** - Job Creation and Economic Development  
**HB 1656** - Transportation  
**HB 1657** - Insurance Policy  
**HB 1669** - Agri-Business  
**HB 1682** - Special Standing Committee on Children and Families  
**HB 1741** - Special Standing Committee on General Laws  
**HB 1750** - Utilities  
**HB 1793** - Local Government  
**HB 1805** - Job Creation and Economic Development

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 86**, introduced by Representatives Loehner, Funderburk, Dugger, Guernsey, Wilson (119), Wallace, Munzlinger, Fisher (125), Sater, Cox, Smith (14), Schad, Sander, Brown (149), Smith (150), Schlottach, Allen and Wells, relating to the right to raise animals.

**HJR 87**, introduced by Representatives Icet, Scharnhorst, Cox, Jones (89), Koenig, Wilson (119), Dieckhaus, Sater, Davis, Schad, Faith, Stevenson, Nieves, Schaaf, Ruestman, Ervin and Emery, relating to the commonsense obligation to provide accountability and spending stabilization act.

**HJR 88**, introduced by Representatives Nieves, Jones (89), Emery, Scharnhorst, Self, Loehner, Ruestman, Gatschenberger, Schad, Schaaf, Flook, Dusenberger, Sater, Pratt, Tracy, Pollock, Kraus, Stevenson, Ervin, Leara, Grisamore, Allen, Burlison, Nolte, Davis, Wells, Lair, Schieffer, Fisher (125), Zerr, Sander, Smith (14), Parkinson, Bivins, Koenig, Schoeller, Dethrow, Funderburk, Schlottach, Flanigan, Munzlinger, McGhee, Kingery, Viebrock, Weter, Faith, Nance, Dugger, Thomson, Wilson (130), Denison, Smith (150) and Guernsey, relating to state sovereignty.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1806**, introduced by Representatives Franz and Kingery, relating to county classification.

**HB 1807**, introduced by Representative Franz, relating to distribution of admission fees for excursion gambling boats.

**HB 1808**, introduced by Representative Franz, relating to physician reimbursement under the MO HealthNet program.

**HB 1809**, introduced by Representatives Nasheed, Oxford, Walton Gray, Pace, Burnett, Colona, Brown (50), Atkins, Meiners, Talboy and Dougherty, relating to expungement of certain criminal records.

**HB 1810**, introduced by Representative Sander, relating to health insurance coverage for habilitative services.

**HB 1811**, introduced by Representatives Riddle, Cox, Diehl, Smith (150), Cunningham, Jones (89), Jones (117), Nolte, Flook, Sander, Pratt, Kelly, Stevenson, Burnett, Talboy, Zimmerman, Grill, Leara, Low and Vogt, relating to the confidentiality of motor vehicle and driver registration records.

**HB 1812**, introduced by Representatives Kingery, Molendorp, Schieffer, Wilson (130), Hoskins (121), Wright, Schupp, Schoemehl, Still, Kelly, Bivins, Gatschenberger, McNeil and McClanahan, relating to the access Missouri financial assistance program.



**HB 1813**, introduced by Representatives Englund, Roorda, Komo, Fallert, Fischer (107), Schieffer, Schoemehl, McDonald, Walsh, Meadows, Frame, LeVota, LeBlanc, Yaeger, Calloway, Morris, Carter, Jones (63), Talboy, Dougherty and Vogt, relating to the informed growth act.

**HB 1814**, introduced by Representatives Brown (149), Diehl, Riddle, Lair, Wright, Tracy, Smith (150), Weter, Wilson (119), Dieckhaus, Zerr, Allen, Schoeller, Parkinson and Fisher (125), relating to veterinary legend drugs.

**HB 1815**, introduced by Representatives Calloway, Jones (63), Carter, Pace, Nasheed, Brown (50), Morris, Webb, LeBlanc, Hughes, Curls and Rucker, relating to fairness in the infliction of the death penalty.

**HB 1816**, introduced by Representatives Meiners and Holsman, relating to a sales tax to fund public safety improvements.

**HB 1817**, introduced by Representatives Nolte, Faith, Grisamore, Bivins and McGhee, relating to workers' compensation.

**HB 1818**, introduced by Representatives Nolte, Day, Faith, Nance, Grisamore, Bivins, Sater and Schieffer, relating to military medallions, medals, and certificates.

**HB 1819**, introduced by Representatives Nolte, Faith, Nance, Bivins, Schieffer, Munzlinger and Schad, relating to sales and use tax exemptions.

**HB 1820**, introduced by Representative Harris, relating to parenting coordination.

**HB 1821**, introduced by Representatives Holsman and Oxford, relating to school class size.

**HB 1822**, introduced by Representatives Cooper and Schaaf, relating to the licensing of tanning facilities.

**HB 1823**, introduced by Representative Tilley, to authorize the conveyance of certain property to the City of Farmington.

**HB 1824**, introduced by Representative Sutherland, relating to social workers.

**HB 1825**, introduced by Representatives Loehner, Funderburk, Dugger, Guernsey, Wilson (119), Wallace, Munzlinger, Fisher (125), Sater, Cox, Smith (14), Schad, Sander, Brown (149), Smith (150), Schlottach, Allen, Dethrow and Wells, relating to the right to raise animals.

**HB 1826**, introduced by Representatives Jones (63) and Richard, relating to the imposition of penalties, suspension or revocation of excursion gambling boat licenses.

**HB 1827**, introduced by Representatives Pratt, Tilley, Parson, Silvey, Nieves, Jones (117), Bruns, Roorda, Corcoran and Meadows, relating to fire department employee residency requirements.

**HB 1828**, introduced by Representatives Roorda, Fischer (107), Newman, Morris, Schieffer, Bivins, Englund, McDonald, Kirkton, Webb, Schupp, Zimmerman, Kelly, Atkins, Liese, McClanahan, LeBlanc, Calloway and Oxford, relating to driving while intoxicated.

**HB 1829**, introduced by Representatives Walsh, Schoemehl, Hummel, Carter, Walton Gray, Chappelle-Nadal, Webber, Dougherty, Corcoran, Yaeger, LeBlanc, Biermann, Morris, Scavuzzo, Lampe, Meadows, Burnett, Nasheed and Norr, relating to collective bargaining for public employees.

**HB 1830**, introduced by Representative Sutherland, relating to digital cadastral parcel mapping.

**HB 1831**, introduced by Representative Jones (117), relating to real property donated to school districts.

### COMMITTEE APPOINTMENT

January 26, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Sara Lampe as a member of the Appropriations - Education Committee and appoint Representative Margo McNeil as a member of the Appropriations - Education Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

### WITHDRAWAL OF HOUSE CONCURRENT RESOLUTION

TO: Office of Assistant Chief Clerk

FROM: Representative Michael L. Cunningham

SUBJECT: Withdrawal of **House Concurrent Resolution No. 12**

DATE: January 26, 2010

I would like to request that **House Concurrent Resolution No. 12** be withdrawn. Thanking you in advance for your assistance to this request.

**WITHDRAWAL OF HOUSE BILLS**

January 26, 2010

The Honorable Ron Richard  
Speaker of the House of Representatives  
State Capitol, Room 308  
Jefferson City, MO 65101

Dear Speaker Richard:

I respectfully request that **House Bill No. 1729** be withdrawn, as I need to make a revision.

Thank you for your assistance to this request.

Sincerely,

/s/ Maynard Wallace  
Representative  
District 143

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January 26, 2010

The Honorable Ron Richard, Speaker  
Missouri House of Representatives  
Missouri State Capitol

Dear Mr. Speaker:

I hereby request that **House Bill No. 1794** be withdrawn.

Please do not hesitate to contact me if you need further information.

Sincerely,

/s/ Joe Aull  
Representative  
District 26

The following members' presence was noted: Cooper and McNary.

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, January 27, 2010.

## COMMITTEE MEETINGS

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 4.

Department of Conservation FY 2011 budget presentation.

### APPROPRIATIONS - EDUCATION

Wednesday, January 27, 2010, 2:00 p.m. Hearing Room 1.

Department of Elementary and Secondary Education budget presentation.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 27, 2010, Hearing Room 3 upon morning adjournment.

Budget overview presentation: Office of Administration.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 1, 2010, 12:00 p.m. Hearing Room 5.

Department of Health and Senior Services FY 2011 budget presentation.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 5.

Lewin Group review of cost containment report for MO HealthNet.

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.

Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation.

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.

Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.

Department of Economic Development budget presentation.

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

### BUDGET

Wednesday, January 27, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HCR 34, HCR 35, HCR 38

CRIME PREVENTION

Wednesday, January 27, 2010, Hearing Room 5 upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 1210, HB 1695

DROPOUT PREVENTION TASK FORCE

Wednesday, February 3, 2010, 3:00 p.m. Hearing Room 2.

The task force will publicly meet to discuss its report.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 27, 2010, 8:00 a.m. Hearing Room 6.

Executive session may be held.

HEALTH CARE POLICY

Wednesday, January 27, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Public hearing to be held on: HB 1498

INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, January 27, 2010, 5:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 1675

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, January 27, 2010, 3:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1684

JOINT COMMITTEE ON TAX POLICY

Wednesday, January 27, 2010, 3:00 p.m. Senate Committee Room 1.

Recommendation meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters a vote may be taken to hold a closed meeting.

JUDICIARY

Wednesday, January 27, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1433

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Thursday, January 28, 2010, 8:30 a.m. Hearing Room 3.

Executive session may follow. AMENDED

Public hearing to be held on: HJR 57, HJR 48, HJR 50

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, January 28, 2010, 8:00 a.m. Hearing Room 5.

Public hearing to be held on: HB 1390, HB 1655, HB 1708, HB 1727, HB 1754

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Wednesday, January 27, 2010, 4:00 p.m. Hearing Room 5.

Working session.

No public testimony.

**TAX REFORM**

Wednesday, January 27, 2010, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1316, HB 1514, HB 1225, HB 1227

**HOUSE CALENDAR**

TWELFTH DAY, WEDNESDAY, JANUARY 27, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 86 through HJR 88

**HOUSE BILLS FOR SECOND READING**

HB 1806 through HB 1831

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1442 - Jones (89)
- 2 HCS HB 1544 - Fisher (125)
- 3 HB 1542 - Deeken

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 7, 3 & 17, (1-21-10, Pages 125-126) - Munzlinger

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWELFTH DAY, WEDNESDAY, JANUARY 27, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted and judgment is dispensed.

Look upon us, in this Assembly, and fill us with wisdom and understanding, direction and strength, knowledge and respect. May we always act in accordance with Your will and may our decisions be for the benefit and well-being of all.

Grant wisdom, insight and strong leadership to the Speaker, leaders of the respective parties and all that are in positions of authority. May our efforts be collaborative and our debates productive.

May we always seek the ways of righteousness, justice and mercy. Grant enablement, by Your powerful protection, to lead our state with honesty and integrity.

Now to Him who is able to do exceedingly abundantly above all that we ask or think, according to the power that works in us.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eleventh day was approved as printed.

## **SPECIAL RECOGNITION**

David Pollack of Cornerstone Energy Solutions, LLC, and Michael Orlando of Interdisciplinary Design Collaborative, LLC, were introduced by Representative Brown (149).

The Maryville High School Football Team was introduced by Representative Thomson and recognized for attaining the 2009 Class 2A State Championship.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 286 through House Resolution No. 318

## HOUSE CONCURRENT RESOLUTION

Representative Allen, et al., offered House Concurrent Resolution No. 43.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 86** through **HJR 88** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1806** through **HB 1831** were read the second time.

## THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCS HCRs 7, 3 & 17**, relating to agricultural land values, was taken up by Representative Munzlinger.

Representative Smith (150) offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Concurrent Resolution Nos. 7, 3 & 17, Page 126 of the House Journal, Ninth Day, January 21, 2010, Line 1 of said page, by inserting before said line the following:

“WHEREAS, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30.4-010 relating to agricultural land productive values; and”; and

Further amend said page, Line 16, by deleting the words “state regulation to be” and inserting in lieu the words “amendment to 12 CSR 30.4-010”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Smith (150), **House Amendment No. 1** was adopted.

On motion of Representative Munzlinger, **HCS HCRs 7, 3 & 17, as amended**, was adopted.

On motion of Representative Munzlinger, **HCS HCRs 7, 3 & 17, as amended**, was read the third time and passed by the following vote:

AYES: 140

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges



Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Zimmerman	Mr Speaker

NOES: 015

Atkins	Burnett	Colona	Jones 63	Kirkton
LeVota	Newman	Oxford	Schupp	Spreng
Still	Vogt	Wallace	Webb	Yaeger

PRESENT: 001

Low

ABSENT WITH LEAVE: 003

Brown 50	Morris	Ruestman
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VACANCIES: 004

Speaker Richard declared the bill passed.

## PERFECTION OF HOUSE BILL

**HB 1442**, relating to city sales taxes, was taken up by Representative Jones (89).

Representative Sutherland offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Bill No. 1442, Section A, Line 3, by inserting after all of said line the following:

“67.1360. **1.** The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;**

**(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants..**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Salva offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 1442, Page 4, Line 9, by inserting after said line the following:

**“(34) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Salva moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Sutherland moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Skaggs offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Bill No. 1442, Page 1, Section A, Line 3, by inserting after all of said line the following:

**"94.832. 1. The governing body of any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than one-half of one percent per occupied room per night, and shall be imposed solely for the purpose of funding tourism and infrastructure improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes**

cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Kelly offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Bill No. 1442, by inserting before the number 94.832 the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;**

**(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants; or**

**(35) Any city of the fourth classification with more than three thousand eight hundred and fifty but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly, **House Amendment No. 1 to House Amendment No. 2** was adopted by the following vote:

AYES: 114

Atkins	Aull	Biermann	Brandom	Bringer
Brown 149	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cunningham	Curls
Day	Deeken	Denison	Dougherty	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Grill	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Jones 63	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Newman	Nolte	Norr	Oxford	Pace
Parkinson	Pollock	Quinn	Roorda	Rucker
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schlottach	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Tilley	Todd	Viebrock	Vogt

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Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 038

Allen	Bivins	Brown 30	Burlison	Corcoran
Cox	Davis	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Franz	Gatschenberger	Grisamore	Ice	Jones 89
Jones 117	Kraus	Leara	Nasheed	Nieves
Parson	Pratt	Riddle	Sander	Schad
Scharnhorst	Schieffer	Schoeller	Smith 150	Thomson
Tracy	Wells	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Cooper	Hobbs	Koenig	McDonald
Morris	Ruestman			

VACANCIES: 004

On motion of Representative Skaggs, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 090

Atkins	Aull	Biermann	Brandom	Bringer
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Corcoran	Curls	Day	Deeken
Dougherty	Englund	Faith	Fallert	Fischer 107
Flanigan	Flook	Frame	Grill	Guest
Harris	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Nance	Newman
Nolte	Norr	Oxford	Pace	Pollock
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Silvey
Skaggs	Spreng	Stevenson	Still	Storch
Sutherland	Swinger	Talboy	Tilley	Todd
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wilson 130	Witte	Yaeger	Mr Speaker

NOES: 057

Allen	Bivins	Brown 30	Brown 149	Burlison
Cox	Cunningham	Davis	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Ervin	Fisher 125	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kraus	Lair	Largent
Leara	Munzlinger	Nasheed	Nieves	Parkinson



Parson	Pratt	Riddle	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schoeller
Self	Smith 14	Smith 150	Stream	Thomson
Tracy	Wells	Weter	Wilson 119	Wright
Zerr	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Colona	Cooper	Emery	Hobbs
Hughes	Koenig	Morris	Ruestman	Schlottach
Viebrock	Vogt			

VACANCIES: 004

### Representative Meiners offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Bill No. 1442, Section A, Page 1, Line 3, by inserting immediately after said line the following:

**“94.271. 1. The governing body of any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.**

**2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

**Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of .... (insert rate of percent) percent for the purpose of promoting tourism?**

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.**

**3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Meiners, **House Amendment No. 3** was adopted by the following vote:

AYES: 098

Atkins	Aull	Biermann	Brandom	Bringer
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cunningham	Curls
Day	Deeken	Denison	Dougherty	Englund
Faith	Fallert	Fischer 107	Flanigan	Flook
Frame	Grill	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Jones 63
Kander	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lampe	Largent	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Nance	Newman
Nolte	Norr	Oxford	Pace	Pollock
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schaaf	Schieffer	Schlottach	Schoemehl	Schupp
Shively	Skaggs	Spreng	Stevenson	Still
Storch	Sutherland	Swinger	Talboy	Tilley
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Weter	Wilson 130
Witte	Yaeger	Mr Speaker		

NOES: 055

Allen	Bivins	Brown 30	Brown 149	Burlison
Cooper	Cox	Davis	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Fisher 125	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Icet	Jones 89	Jones 117
Keeney	Koenig	Kraus	Lair	Leara
Munzlinger	Nasheed	Nieves	Parkinson	Parson
Pratt	Riddle	Ruzicka	Sander	Sater
Schad	Scharnhorst	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Thomson	Tracy
Wells	Wilson 119	Wright	Zerr	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Hobbs	Hughes	Morris	Ruestman
Vogt				

VACANCIES: 004

On motion of Representative Jones (89), **HB 1442, as amended**, was ordered perfected and printed.

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1245** - Special Standing Committee on Professional Registration and Licensing  
**HB 1250** - Transportation  
**HB 1258** - Transportation  
**HB 1271** - Tourism  
**HB 1290** - Ways and Means  
**HB 1293** - Crime Prevention  
**HB 1303** - Crime Prevention  
**HB 1310** - Transportation  
**HB 1330** - Transportation  
**HB 1336** - Tourism  
**HB 1340** - Local Government  
**HB 1353** - Tourism  
**HB 1392** - Ways and Means  
**HB 1400** - Special Standing Committee on General Laws  
**HB 1403** - Elections  
**HB 1408** - Tax Reform  
**HB 1486** - Ways and Means  
**HB 1494** - Corrections and Public Institutions  
**HB 1499** - Judiciary  
**HB 1527** - Elections  
**HB 1535** - Judiciary  
**HB 1545** - Financial Institutions  
**HB 1548** - Healthcare Transformation  
**HB 1559** - Local Government  
**HB 1585** - Transportation  
**HB 1591** - Crime Prevention  
**HB 1612** - Local Government  
**HB 1633** - Utilities  
**HB 1637** - Transportation  
**HB 1638** - Transportation  
**HB 1639** - Special Standing Committee on Professional Registration and Licensing  
**HB 1662** - Special Standing Committee on Emerging Issues in Animal Agriculture  
**HB 1664** - Transportation  
**HB 1691** - Tourism  
**HB 1692** - Judiciary  
**HB 1707** - Corrections and Public Institutions  
**HB 1713** - Insurance Policy  
**HB 1775** - Transportation  
**HB 1776** - Transportation  
**HB 1811** - Judiciary

## COMMITTEE REPORTS

### **Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCR 34** and **HCR 35**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NOS. 34 & 35

Relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

WHEREAS, under Article V of the Constitution of the United States:

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress"; and

WHEREAS, the following Amendment to the United States Constitution is proposed:

"Section 1. The annual expenditures of the Congress shall not exceed the annual revenue for any year, save for the use of monetary reserves, except as provided for in Sections 2 and 3.

Section 2. The Congress shall not borrow from any source, including its own funds and trusts, for any expense, except for the extraordinary costs of a declared war or armed conflict, or for a fiscal emergency declared by Congress and signed by the President of the United States.

Section 3. The Congress may issue special bonds for specific capital projects, which shall, in turn, be extinguished within twenty years of issuance. The cumulative total of all bonds issued in this manner shall never exceed twenty percent of the total private sector earned income.

Section 4. This amendment shall take effect beginning the third fiscal year after its ratification.":

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby submit this resolution for a federal balanced budget Amendment to the United States Constitution and, pursuant to Article V of the United States Constitution, respectfully urge the United States Congress to submit the proposed Amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

Mr. Speaker: Your Committee on Budget, to which was referred **HCR 38**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 38

WHEREAS, unfunded federal mandates place unreasonable demands on limited state resources; and

WHEREAS, the federal government has continuously exhibited a lack of understanding and regard to states who are required by their respective constitutions to balance spending with resources; and

WHEREAS, the continuous imposition of these mandates will place the State of Missouri in a position of either funding federal requirements with limited resources, thus causing reductions to other state services, or they will impede the state from drawing down federal funds for currently enacted programs:

NOW, THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urgently request the United States Congress to cease and desist from imposing continuous unfunded mandates on states; and

BE IT FURTHER RESOLVED that the General Assembly urgently requests that the Governor of the State of Missouri and the Missouri Congressional delegation resist continued funding requirements for the Missouri budget; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, Vice President Joe Biden, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Governor Jay Nixon, and each member of the Missouri Congressional delegation.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1832**, introduced by Representatives Wells, Dougherty, Schad, Denison, Schoeller, Weter, Pollock, Flook, Munzlinger, Jones (117), Cox, Diehl, Emery, Parson and Richard, relating to professional counselors.

**HB 1833**, introduced by Representatives Munzlinger, Flanigan, Zerr, Funderburk, Grisamore, Schaaf, Storch, Nance, Fisher (125), Burlison, Lampe, Ruestman, Sander, Oxford, Wilson (119), Wallace, McGhee and Aull, relating to the farm to institution initiative.

**HB 1834**, introduced by Representatives Zimmerman, Schupp, Atkins, Colona, Corcoran, Englund, Fallert, Grill, Harris, Morris, Oxford, Pace, Roorda, Schieffer, Spreng, Storch, Yaeger, Kuessner, Kelly, Skaggs, Hummel, Kander and Rucker, relating to telemarketing.

**HB 1835**, introduced by Representatives Zimmerman, McNeil, Atkins, Colona, Corcoran, Englund, Grill, Morris, Oxford, Schieffer, Spreng, Walton Gray, Yaeger, Kuessner, Kelly, Skaggs and Hummel, relating to senior citizen homestead deferral of taxes.

**HB 1836**, introduced by Representatives Zimmerman, Fallert, Atkins, Colona, Englund, Grill, Harris, Oxford, Schupp, Spreng, Walton Gray, Kuessner, Skaggs, Hummel and Rucker, relating to absentee voting.

**HB 1837**, introduced by Representatives Zimmerman, Oxford, Atkins, Colona, Englund, Schupp, Kuessner, Kelly, Skaggs, Kander, Hummel and Rucker, relating to the Missouri sunshine law.

**HB 1838**, introduced by Representatives Zimmerman, Molendorp, Atkins, Colona, Englund, Grill, Oxford, Pace, Schupp, Webber, Kuessner, Skaggs and Kander, relating to lobbying.

**HB 1839**, introduced by Representatives Zimmerman, Sater Atkins, Colona, Corcoran, Englund, Fallert, Grill, Harris, Jones (63), McNeil, Morris, Oxford, Pace, Roorda, Schieffer, Schupp, Spreng, Storch, Walton Gray, Yaeger, Kuessner, Kelly, Skaggs, Hummel and Rucker, relating to absentee voting.

**HB 1840**, introduced by Representatives Wright, Kingery, Hodges, Todd, Swinger, Keeney, Munzlinger, Dethrow, Stevenson, Brandom and Loehner, relating to the Missouri rice certification act.

**HB 1841**, introduced by Representative Wilson (130), relating to the review of license examinations for life insurance producers.

**HB 1842**, introduced by Representative Wilson (130), relating to votes on tax measures.

**HB 1843**, introduced by Representatives Holsman, Low, Hughes, LeBlanc, Schieffer, Komo, Biermann, Meiners, Skaggs, Talboy, Oxford, Scavuzzo, Grill, Nasheed, Calloway, Walton Gray and Pace, relating to tuition rates for students at institutions of higher education.

**HB 1844**, introduced by Representatives Zerr, Funderburk, Allen and Meadows, relating to driver's license testing fees.

**HB 1845**, introduced by Representatives Wells, Wasson, Dougherty, Yaeger, Dugger, Viebrock, Pollock, Sater, Norr, Denison, Schoemehl, Swinger, Kratky and Englund, relating to cemeteries.

**HB 1846**, introduced by Representatives Hobbs and Kelly, relating to ethics.

**HB 1847**, introduced by Representatives Nance, Nolte, Fisher (125), McGhee, Aull, Molendorp and Wallace, relating to uninsured motorists.

**HB 1848**, introduced by Representatives Holsman, Aull, Carter, Hughes, LeVota, Burnett, Talboy, Schupp, Skaggs, Zimmerman, Grill, Hodges, Kratky, Rucker, Tilley, Calloway, Oxford, Walton Gray, Hoskins (80), Pace, Morris, McNeil, Still, Biermann, Newman, Nasheed, Fallert, Jones (63), Englund, Curls, Norr, LeBlanc, Schieffer, Lampe, Meiners, Scavuzzo, Colona, Storch, Dougherty, Shively, Todd, Quinn, Kirkton, Webb, McClanahan, Kelly, McDonald, Atkins and Sander, relating to the urban farming task force.

**COMMUNICATIONS**

January 20, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
201 W. Capitol Ave.  
Jefferson City, MO 65101

Dear Chief Clerk:

Pursuant to Chapter 105.461, RSMo, this letter is an official report that I am a member of the University of Missouri Extension Council board of directors which serves St. Francois, Washington, and Ste. Genevieve Counties. As a member of the Appropriations - Agriculture and Natural Resources Committee and member of the General Assembly, I may have a direct impact on issues, bills and amendments which affect the University of Missouri Extension Program.

In order to comply with Chapter 105.461, RSMo, please publish this disclosure in the Journal of the House.

Sincerely,

/s/ Linda Fischer  
State Representative  
107<sup>th</sup> District

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January 27, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. My husband and I are retired members of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Jeanie Riddle  
Representative  
District 20

## WITHDRAWAL OF HOUSE BILL

January 26, 2010

The Honorable Ron Richard  
Speaker of the House of Representatives  
House Post Office  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **House Bill No. 1267** be withdrawn.

Please let me know if you have any questions.

Sincerely,

/s/ Kate Meiners  
State Representative  
District 46

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, January 28, 2010.

## COMMITTEE MEETINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Monday, February 1, 2010, 12:00 p.m. Hearing Room 5.  
Department of Health and Senior Services FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 5.  
Departmental budget presentation for FY 2011 budget.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 5.  
Lewin Group review of cost containment report for MO HealthNet.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.  
Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT  
Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.  
Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.



**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.

Department of Economic Development budget presentation.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

**DROPOUT PREVENTION TASK FORCE**

Wednesday, February 3, 2010, 3:00 p.m. Hearing Room 2.

The task force will publicly meet to discuss its report.

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Thursday, January 28, 2010, 8:30 a.m. Hearing Room 3.

Executive session may follow. AMENDED

Public hearing to be held on: HJR 57, HJR 48, HJR 50

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, January 28, 2010, 8:00 a.m. Hearing Room 5.

Public hearing to be held on: HB 1390, HB 1655, HB 1708, HB 1727, HB 1754

**TAX REFORM**

Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1520

**HOUSE CALENDAR**

THIRTEENTH DAY, THURSDAY, JANUARY 28, 2010

**HOUSE BILLS FOR SECOND READING**

HB 1832 through HB 1848

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 1544 - Fisher (125)

2 HB 1542 - Deeken

3 HCS HB 1377 - Brandom

**HOUSE BILLS FOR THIRD READING**

HB 1442 - Jones (89)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTEENTH DAY, THURSDAY, JANUARY 28, 2010

The House met pursuant to adjournment.

Representative Nieves in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, now that we have heard both the State of the State Address and the State of the Union Address, help us to discern clearly the strengths of our Nation and of our State, and to see honestly our weaknesses.

Give us the ability to recognize the most pressing needs of our people, and the vision to plan for their resolution both in the short term and the long.

May the coming weekend be for us a time to reflect and to plan how we might work together, to help our people and to strengthen the well-being of our State.

Almighty God, may our lives and our work give You honor and glory now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twelfth day was approved as printed by the following vote:

AYES: 146

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schupp

Shively	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Burnett                      Talboy

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Chappelle-Nadal	Hobbs	Holsman	Hughes
Ruestman	Schoemehl	Self	Silvey	Viebrock
Wright				

VACANCIES: 004

## HOUSE RESOLUTION

Representatives Bringer and Stevenson offered House Resolution No. 335.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 319 through House Resolution No. 334.

## HOUSE CONCURRENT RESOLUTIONS

Representative Smith (14) offered House Concurrent Resolution No. 44.  
Representative Oxford, et al., offered House Concurrent Resolution No. 45.  
Representative Funderburk, et al., offered House Concurrent Resolution No. 46.

## SECOND READING OF HOUSE BILLS

**HB 1832** through **HB 1848** were read the second time.

## REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

**HR 335** - Rules

## REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

**HJR 63** - Special Standing Committee on General Laws

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 1788** - Special Standing Committee on General Laws

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 89**, introduced by Representative Pratt, relating to the citizens' commission on compensation.

**HJR 90**, introduced by Representatives Schoeller, Parkinson, Nolte, Ervin, Scharnhorst, Schaaf, Bivins, Jones (89), Gatschenberger, Leara, Molendorp, Smith (150), Kraus, Smith (14), Munzlinger, Sater, Fisher (125), Guernsey, Dieckhaus, Grisamore and Denison, relating to energy freedom.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1849**, introduced by Representative Roorda, relating to the Missouri Sheriff Methamphetamine Relief Task Force (MoSMART).

**HB 1850**, introduced by Representatives Webber, Low, Carter, Hummel, Webb, Nasheed, Colona, Pace, Kirkton, Lampe, Oxford, Still, Holsman, Corcoran, Vogt, Burnett, Kratky, Schupp, Storch, McDonald, Newman, Calloway, Talboy, LeBlanc, Zimmerman, Englund, Schoemehl, Jones (63), Chappelle-Nadal, Hughes, Walsh, Norr, Kander, Walton Gray, Yaeger, Casey, Dougherty, LeVota, McNeil, Atkins, Komo, Aull, Spreng, Brown (50), Hoskins (80), Morris, Fallert, Liese, Biermann, Grill, Meiners, Curls and Rucker, relating to discrimination based on sexual orientation.

**HB 1851**, introduced by Representatives Nolte, Guernsey, Funderburk, Parkinson, Riddle, Emery, Burlison, Ruzicka, Nieves, Schad, Koenig, Bivins, Nance, Fisher (125), Sander and Wells, relating to renewable energy resources.

**HB 1852**, introduced by Representative Hoskins (80), relating to taxicabs.

**HB 1853**, introduced by Representatives Aull, Meadows, Nance, Atkins, Munzlinger, Pace, Roorda, Shively, Wells, Wilson (119), Wallace, Dusenberger, Schieffer, McNeil, Kuessner, Salva, Vogt, Colona, Hodges, Storch, McDonald, Kirkton, Grisamore, Swinger, Casey, Komo, Corcoran, Walton Gray, Meiners, Frame, Carter, Schupp, Talboy, Lampe, Day, Holsman and Fischer (107), relating to the observation of Veterans Day in schools.

**HB 1854**, introduced by Representatives Aull, Colona, Yaeger, Nance, Atkins, Wallace, Walton Gray, Pace, Roorda, Corcoran, Scavuzzo, Meadows, Schupp, Still, Schieffer, Norr, Morris, Englund, Sater and Kelly, relating to school violence prevention.

**HB 1855**, introduced by Representatives Schaaf, Meiners, Atkins and Sander, relating to hospitals.

**HB 1856**, introduced by Representative Grill, relating to prohibiting the sale of tobacco to minors.

**HB 1857**, introduced by Representative Grill, relating to the prevention of identity theft.

**HB 1858**, introduced by Representatives Zimmerman, Sutherland, Lampe, Hummel, Jones (63), Molendorp, Roorda, Biermann, Kirkton, Englund, Oxford, Meiners, Rucker, Calloway, Schoemehl, Still and Carter, relating to the minority and underrepresented environmental literacy program.

**HB 1859**, introduced by Representatives Zimmerman, Nance, Pace, Atkins and Yaeger, relating to patient information provided in advance of certain surgical procedures.

**HB 1860**, introduced by Representatives Spreng, Vogt, Flook, Kratky, Hummel, Schieffer, Fallert, Nieves, Richard, Colona, Corcoran, Roorda, Storch, Liese, Funderburk, Hughes, McNeil, Komo, McGhee, Frame and Meadows, relating to a tax credit for certain motor vehicle purchases.

**HB 1861**, introduced by Representative Grill, relating to early childhood education.

**HB 1862**, introduced by Representative Grill, relating to school board requirements.

**HB 1863**, introduced by Representatives Cox, Gatschenberger, Dugger, Schieffer, Pollock, Brown (149), Cunningham, Wells, McGhee, Munzlinger, Faith, Weter, Schaaf, Grisamore and Oxford, relating to property tax credits.

**HB 1864**, introduced by Representatives Ruestman, Nance, Lair, Stevenson, Nieves, Faith, Flanigan, Harris, Wallace, Sater, Dusenberger, McGhee, Wright and Wells, relating to a sales tax exemption for farm products sold at farmers' markets.

**HB 1865**, introduced by Representatives Meiners, Walsh, Jones (117), Nasheed, Fallert, Hoskins (80), Schupp, Low, Corcoran, Lampe, Schoemehl, Chappelle-Nadal, Hughes, Burnett, Vogt, Curls, Deeken, Molendorp, Holsman, Roorda, Rucker, Storch, McClanahan and Salva, relating to youth athletic injuries.

**HB 1866**, introduced by Representatives Roorda and Meadows, relating to transient guest taxes for tourism.

**HB 1867**, introduced by Representative LeVota, relating to the household child protect act.

**HB 1868**, introduced by Representative Scharnhorst, relating to the state records commission.

**HB 1869**, introduced by Representative Scharnhorst, relating to DNA profiling analysis.

**HB 1870**, introduced by Representatives Roorda, Nasheed, Dougherty, Carter, Walton Gray, Oxford, Meadows, Fischer (107), Lampe, Newman, Webber, Atkins and Morris, relating to the creation of a death penalty commission and moratorium.

**HB 1871**, introduced by Representative Schoeller, relating to composting facilities.

**HB 1872**, introduced by Representatives Schoeller, Funderburk, Smith (150), Guernsey, Burlison, Fisher (125), Jones (89), Emery, Schad, Denison, Dugger, Schaaf, Largent, Ruestman, Gatschenberger, Grisamore, Molendorp, Keeney, Wells, Cox and Bivins, relating to lobbyists.

**HB 1873**, introduced by Representatives Oxford, Roorda, Walton Gray, Harris, Morris, Pace, Atkins and Nasheed, relating to the regional taxicab commission.

**HB 1874**, introduced by Representatives Oxford, Walton Gray, Pace, Low, Zimmerman, Morris, Atkins, Harris, Walsh, Newman, Nasheed and Norr, relating to actions for money damages for conduct or speech at public hearings or meetings.

**HB 1875**, introduced by Representatives Oxford, Walton Gray, Pace, Low, Nasheed, Morris, Corcoran, Kirkton, Lampe, Yaeger, Atkins, Newman, Norr and Schupp, relating to the quality early childhood act.

**HB 1876**, introduced by Representatives Oxford, Atkins, Walton Gray, Pace, Low, Nasheed, Morris, Schieffer, Lampe, Newman, Norr, Curls, Schupp and Fallert, relating to prepayment loan penalties.

**HB 1877**, introduced by Representatives Webber, Storch, Yaeger, McClanahan, Pace, Oxford, Englund, Atkins, Bivins, Kelly, Newman and Roorda, relating to safety belts.

**HB 1878**, introduced by Representatives Funderburk, Hobbs, Nance, Bruns, Wasson and Parson, relating to health care quality and cost-efficiency.

**HB 1879**, introduced by Representatives Grisamore, Stream, Lampe, Walton Gray, Corcoran and Pace, relating to disability history and awareness month in public schools.

**HB 1880**, introduced by Representatives Grisamore, Jones (89), Stream, Allen, Pace and Storch, relating to electronic texts.

**HB 1881**, introduced by Representatives Grisamore, Pratt, Jones (89), Wilson (119), Kraus, Schad, Meadows and Corcoran, relating to tax incentives for job growth.

**HB 1882**, introduced by Representatives Grisamore, Stream, Dusenberg, Calloway, Walton Gray and Pace, relating to the dispensing of motor vehicle fuels for persons with a disability.

**HB 1883**, introduced by Representatives Grisamore, Stream, Dusenberg, Calloway, Deeken, Pace and Oxford, relating to disabled parking signs.

**HB 1884**, introduced by Representatives Grisamore, Ruestman, Allen, Oxford, Corcoran, Pace, Lampe, Schieffer and Storch, relating to MO HealthNet benefits.

**HB 1885**, introduced by Representatives Grisamore, McGhee, Stream, Pace, Lampe, Schieffer and Storch, relating to comprehensive day rehabilitation services under the MO HealthNet program.

**HB 1886**, introduced by Representatives Grisamore, Pratt, Jones (89), Sater, Corcoran, Pace, Lampe, Schieffer and Storch, relating to the MO HealthNet oversight committee.

**HB 1887**, introduced by Representative Zerr, relating to accreditation of vascular laboratories.

**HB 1888**, introduced by Representative Zerr, relating to unlawful distribution, possession, or use of a theft detection shielding device and unlawful possession, use, or removal of a theft detection device.

## COMMUNICATION

January 26, 2010

Mr. D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a record of possible personal interest in legislation or appropriations on which the House of Representatives may vote during the legislative session. My husband and I have an investment in a security technology company whose programs(s) may be considered for purchase by the State of Missouri or Missouri entities that might be eligible for State tax dollars or credits. We have less than ten percent interest in the company.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

I thank you for your attention to this matter.

Sincerely,

/s/ Jill Schupp  
State Representative  
District 82

The following members' presence was noted: Chappelle-Nadal, Holsman, Self and Viebrock.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, February 1, 2010.

**COMMITTEE MEETINGS**

**APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 6.  
Department of Agriculture FY 2011 budget.

**APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 4.  
Department of Natural Resources FY 2011 budget presentation.

**APPROPRIATIONS - EDUCATION**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 1.  
Department of Higher Education budget overview presentation.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Monday, February 1, 2010, Hearing Room 3 upon afternoon adjournment.  
Budget overview presentation: Attorney General, Office of Administration (continued),  
Office of Administration-Debt.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 2, 2010, Hearing Room 3 upon morning adjournment.  
Budget overview presentation: Office of Administration employee benefits.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 3, 2010, 2:30 p.m. Hearing Room 3.  
Budget overview presentation: Governor, Lt. Governor, Secretary of State,  
State Auditor, and State Treasurer.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Monday, February 1, 2010, 12:00 p.m. Hearing Room 5.  
Department of Health and Senior Services FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 5.  
Departmental budget presentation for FY 2011 budget.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 5.  
Lewin Group review of cost containment report for MO HealthNet.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 5.  
Continuation of FY 2011 departmental budget presentation.

**APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 3.  
Public Safety budget presentation.



APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 6.

Department of Corrections budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.

Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.

Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.

Department of Economic Development budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

DROPOUT PREVENTION TASK FORCE

Wednesday, February 3, 2010, 3:00 p.m. Hearing Room 2.

The task force will publicly meet to discuss its report.

ELECTIONS

Tuesday, February 2, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1403

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1615, HB 1616, HB 1432, HB 1805

RULES - PURSUANT TO RULE 25(32)(f)

Monday, February 1, 2010, Hearing Room 1 upon afternoon adjournment.

Possible Executive session.

Public hearing to be held on: HCS HCRs 34 & 35, HCR 38

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 2, 2010, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1400, HB 1741

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 4.

Working session.

No public testimony.

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Tuesday, February 2, 2010, 12:00 p.m. Hearing Room 5.

Working session.

No public testimony.

**TAX REFORM**

Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1520

**UTILITIES**

Tuesday, February 2, 2010, 12:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1750

**HOUSE CALENDAR**

FOURTEENTH DAY, MONDAY, FEBRUARY 1, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 89 and HJR 90

**HOUSE BILLS FOR SECOND READING**

HB 1849 through HB 1888

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 1544 - Fisher (125)

2 HB 1542 - Deeken

3 HCS HB 1377 - Brandom

**HOUSE BILLS FOR THIRD READING**

HB 1442 - Jones (89)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FOURTEENTH DAY, MONDAY, FEBRUARY 1, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, as stated in Your Word, there is an appointed time for everything: A time for every event under Heaven (*Ecclesiastes 3:1*).

So we return here to this House, at this appointed time, to do the right thing, for the right reason. Help us to recognize our own inadequacies and remind us to depend upon You for the knowledge, wisdom and courage to do what is right. Help us to resist the pressures to violate our conscience. May You be our daily source of strength, wisdom and courage.

Lord God, You know the needs of each person here. Strengthen those who are feeble, heal those who are sick, calm those who are troubled, refresh those who are weary and reassure those who lack confidence. Let all experience Your grace in their every necessity and trial.

Now may You, Lord God, our Father, who has loved us by Your grace and given us eternal comfort and a wonderful hope; comfort and strengthen us in every good thing You do and say.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirteenth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 336 through House Resolution No. 349

## HOUSE CONCURRENT RESOLUTION

Representative Pratt offered House Concurrent Resolution No. 47.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 89** and **HJR 90** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1849** through **HB 1888** were read the second time.

**PERFECTION OF HOUSE BILL**

**HCS HB 1544**, relating to unemployment compensation, was taken up by Representative Fisher (125).

On motion of Representative Fisher (125), **HCS HB 1544** was adopted.

On motion of Representative Fisher (125), **HCS HB 1544** was ordered perfected and printed by the following vote:

AYES: 143

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 70
Hoskins 121	Hughes	Hummel	Jones 63	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lair	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nolte	Norr	Oxford	Pace	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 012

Brown 30	Davis	Emery	Ervin	Jones 89
Koenig	Kraus	Leara	Nieves	Parkinson
Self	Stevenson			

PRESENT: 000

ABSENT WITH LEAVE: 004

Calloway	Grisamore	Icet	Yaeger
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VACANCIES: 004

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1208** - Veterans

**HB 1745** - Veterans

**HB 1838** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1846** - Special Standing Committee on Governmental Accountability and Ethics Reform

**HB 1872** - Special Standing Committee on Governmental Accountability and Ethics Reform

## **COMMITTEE REPORTS**

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HCRs 34 & 35**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 38**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 91**, introduced by Representative Bringer, relating to campaign contributions.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1889**, introduced by Representatives Biermann, Hummel, Funderburk, Roorda, Pace, Walton Gray, Meadows, Webber, Pollock, Wells, Corcoran, Grisamore and Aull, relating to the heroes way interstate interchange designation program.

**HB 1890**, introduced by Representatives Storch, Oxford, Meadows, Chappelle-Nadal, Atkins, Jones (63), Jones (89), Grill, Aull, Zimmerman, Corcoran, Casey, Morris, Funderburk, Yaeger and Colona, relating to low-profit limited liability companies.

**HB 1891**, introduced by Representatives Nasheed and Oxford, relating to cigarette taxes.

**HB 1892**, introduced by Representatives Nasheed, Carter, McGhee, Walsh, Sander, Atkins, Colona, Dieckhaus, McNary, Wallace, Munzlinger and Calloway, relating to work certificates.

**HB 1893**, introduced by Representatives Kelly, Fisher (125) and Day, relating to the distribution and use of gaming funds.

**HB 1894**, introduced by Representative Bringer, relating to collection of payment for certain mental health services.

**HB 1895**, introduced by Representative Bringer, relating to securities regulation.

**HB 1896**, introduced by Representative Bringer, relating to the Missouri securities act.

**HB 1897**, introduced by Representatives Zimmerman, Roorda, Atkins, Grill, LeVota, Schupp, Oxford, Schieffer, Talboy and Low, relating to ranked-choice voting.

**HB 1898**, introduced by Representatives Zerr, Curls, Schupp, Wright, Nasheed, Storch, Jones (63), Chappelle-Nadal, Roorda, Pace, Parson, Corcoran, Tilley, Stream, Scharnhorst, Schoemehl, Wells, Grisamore, Allen, Oxford and Weter, relating to the women's heart health program.

**HB 1899**, introduced by Representative Dugger, relating to law enforcement retirement.

**HB 1900**, introduced by Representatives Dethrow, Franz, Ervin, Kraus, Sander, Jones (89), Day, Funderburk, Hoskins (121), Thomson, Pollock, Nance, Fisher (125), Wilson (119), Wallace, Guernsey, Sater, Grisamore, Smith (150), Allen and Nieves, relating to small businesses.

**HB 1901**, introduced by Representatives Brown (50), Curls, Burnett, Hughes, Hoskins (80), Oxford, Holsman, Morris, Jones (63), Casey, Chappelle-Nadal, McNary, McDonald, Dougherty, Hodges, Kirkton, Molendorp, Day, Brown (149), Parkinson, Komo and Nolte, relating to traffic violations.

**HB 1902**, introduced by Representative Guernsey, relating to endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender.

**HB 1903**, introduced by Representative Icet, relating to the federal budget stabilization extension fund.

## **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SCR 35 & 32**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 35 & 32**

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biennially promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

## **MESSAGES FROM THE GOVERNOR**

January 29, 2010

### **REORGANIZATION PLAN NO. 1 2010**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2010, by Executive Order 10-15, to transfer the Breath Alcohol Program from the Missouri Department of Transportation and assign it, and all of its responsibilities and functions, to the Department of Health and Senior Services. The Breath Alcohol Program will retain all functions and authority as provided by law. The Missouri Department of Health and Senior Services shall furnish administrative support and staff as is necessary for the effective operation of the Breath Alcohol Program.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

### **EXECUTIVE ORDER 10-15**

WHEREAS, the Department of Health and Senior Services is established by Chapter 192, RSMo; and

WHEREAS, the Missouri Department of Transportation is established by Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, Chapters 306 and 577, RSMo, require the Missouri Department of Health and Senior Services to license and regulate the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyzers, as well as approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine, and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure that alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, pursuant to Sections 26.500-26.540, RSMo, Executive Order 07-05 and Reorganization Plan No. 1, providing for the transfer of the Breath Alcohol Program from the Department of Health and Senior Services to the Missouri Department of Transportation, were filed with the General Assembly and were not disapproved; and

WHEREAS, unforeseen administrative issues made the transfer inefficient and not cost effective; and

WHEREAS, the Department of Health and Senior Services has the necessary expertise to administer the Breath Alcohol Program.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Transportation and the Department of Health and Senior Services to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Transportation to the Department of Health and Senior Services, by Type I transfer as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Department of Health and Senior Services; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department of Transportation to the Department of Health and Senior Services; and
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective August 28, 2010, unless disapproved within sixty days of its submission to the Second Regular Session of the 95<sup>th</sup> General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of January, 2010.

/s/ Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

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January 29, 2010

**REORGANIZATION PLAN NO. 2  
2010**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2010, by Executive Order 10-16, to transfer the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education and assign it, and all of its responsibilities and functions, to the Department of Higher Education. The A+ Schools Program will retain all functions and authority as provided by law. The Missouri Department of Higher Education shall furnish administrative support and staff as is necessary for the effective operation of the scholarship portion of the A+ Schools Program.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

**EXECUTIVE ORDER  
10-16**

WHEREAS, the Department of Elementary and Secondary Education is established by Chapter 161, RSMo; and

WHEREAS, the Department of Higher Education is established by Article IV, Section 52 of the Missouri Constitution, and Chapter 173, RSMo; and

WHEREAS, the State of Missouri has many higher education grant and scholarship programs administered by several government agencies; and

WHEREAS, this causes difficulty for Missouri students and parents trying to determine how much state aid is available to assist them with higher education expenses; and

WHEREAS, the A+ Schools Program is established by Section 160.545, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the A+ Schools Program (1) provides a mechanism to improve public schools in Missouri and (2) grants scholarships to qualifying Missouri students at community colleges and vocational or technical schools; and

WHEREAS, the functions of executive departments may be reassigned using the procedure set forth in Sections 26.500 through 26.540, RSMo; and

WHEREAS, the public school improvement portion of the A+ Schools Program should continue to be administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Department of Higher Education currently administers the vast majority of state educational grants and scholarships and has significant expertise in all areas of higher education funding; and

WHEREAS, centralizing state grant and scholarship programs in the Department of Higher Education simplifies the process for parents and students applying for various types of financial aid and seeking information about post-secondary education; and

WHEREAS, I am committed to promoting new pathways to higher education and consolidating executive branch operations to ensure that the state delivers vital services as efficiently and effectively as possible.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Elementary and Secondary Education and the Department of Higher Education to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education to the Department of Higher Education, by Type I transfer as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the scholarship portion of the A+ Schools Program to the Department of Higher Education;
3. Transfer the responsibility for staff support for the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education to the Department of Higher Education;
4. Ensure the continued administration of the school improvement portion of the A+ Schools Program by the Department of Elementary and Secondary Education.
5. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation.

This Order shall become effective August 28, 2010, unless disapproved within sixty days of its submission to the Second Regular Session of the 95<sup>th</sup> General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of January, 2010.

/s/ Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

The following members' presence was noted: Calloway, Grisamore and Icet.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, February 2, 2010.

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 6.

Department of Agriculture FY 2011 budget.

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 4.

Department of Natural Resources FY 2011 budget presentation.

### **APPROPRIATIONS - EDUCATION**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 1.

Department of Higher Education budget overview presentation.

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 2, 2010, Hearing Room 3 upon morning adjournment.

Budget overview presentation: Office of Administration employee benefits.

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 3, 2010, 2:30 p.m. Hearing Room 3.

Budget overview presentation: Governor, Lt. Governor, Secretary of State, State Auditor, and State Treasurer

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 5.

Departmental budget presentation for FY 2011 budget.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 5.

Lewin Group review of cost containment report for MO HealthNet.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 5.

Continuation of FY 2011 departmental budget presentation.

### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 3.

Public Safety budget presentation.

### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 6.

Department of Corrections budget presentation.

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 3.

Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 2:00 p.m. Hearing Room 7.

Departments of Labor and Industrial Relations; Insurance, Financial Institutions and Professional Registration budget presentation continued, if necessary.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.

Department of Economic Development budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 3, 2010, 9:00 a.m. Hearing Room 4.

Public hearing to be held on: HJR 76

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 3, 2010, 5:00 p.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1494, HB 1707

CRIME PREVENTION

Wednesday, February 3, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1303, HB 1591, HB 1695

DROPOUT PREVENTION TASK FORCE

Wednesday, February 3, 2010, 3:00 p.m. Hearing Room 2.

The task force will publicly meet to discuss its report.

ELECTIONS

Tuesday, February 2, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1403

HEALTH CARE POLICY

Wednesday, February 3, 2010, Hearing Room 6, 12:00 p.m. or upon adjournment.

Informational meeting on children's health issues, diabetes, and smoking.

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, February 2, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1615, HB 1616, HB 1432, HB 1513, HB 1805

#### JUDICIARY

Wednesday, February 3, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1499, HB 1535, HB 1692, HB 1811

#### LOCAL GOVERNMENT

Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1340, HB 1559, HB 1612, HB 1793

#### SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 2, 2010, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1400, HB 1741

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, February 2, 2010, 8:00 a.m. Hearing Room 4.

Working session. No public testimony.

#### SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, February 2, 2010, 12:00 p.m. Hearing Room 5.

Working session. No public testimony. CANCELLED

#### SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 2.

Executive session.

#### STATE PARKS AND WATERWAYS

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 6.

Joint informational meeting with the Senate Agriculture, Food Production and Outdoor Resources Committee. Presentation given by the State Park Association.

#### TAX REFORM

Wednesday, February 3, 2010, 8:45 a.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1520, HB 1408

#### UTILITIES

Tuesday, February 2, 2010, 12:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1750

#### VETERANS

Tuesday, February 2, 2010, 5:00 p.m. Senate Lounge.

Joint meeting with the Senate and House Veterans Committees.

Information purposes only.

**HOUSE CALENDAR**

FIFTEENTH DAY, TUESDAY, FEBRUARY 2, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 91

**HOUSE BILLS FOR SECOND READING**

HB 1889 through HB 1903

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HB 1377 - Brandom

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 34 & 35, (1-27-10, Page 167) - Icet

**HOUSE BILLS FOR THIRD READING**

- 1 HB 1442 - Jones (89)
- 2 HCS HB 1544, E.C. - Fisher (125)

**SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

SCS SCR 35 & 32

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTEENTH DAY, TUESDAY, FEBRUARY 2, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we thank You for the resources of our land, for the resources of all the lands of the earth, and of all creation. We thank You for the dominion over creation, which You have given to mankind, and for the talents and skills of the people to produce food, to harness energy and to make products and provide services of every sort to meet the needs of the people.

We thank You for our role in guiding these processes so that the common good is advanced, so that in negotiations all sides win and so that justice and equity reign.

To You, our God, be honor and glory forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tucker Yates, Korey Hall, Matt Cochenour, Chris Pilcher, Cassie Kelley, Leeza Kay, Bethany Boyd, Teri Norton, Richard Kay, Tanner Harrison and Skyd Carlson.

The Journal of the fourteenth day was approved as printed.

## SPECIAL RECOGNITION

Mr. Zhou Wenzhong, Ambassador of the People's Republic of China to the United States of America, was introduced by Speaker Richard.

## HOUSE RESOLUTIONS

Representative Bivins offered House Resolution No. 383 and House Resolution No. 384.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 350 through House Resolution No. 382

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 91** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1889** through **HB 1903** were read the second time.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCS SCR 35 & 32** was read the second time.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following escort committee to act with a like committee pursuant to **HCR 2**: Senators Bartle, Schmitt, Goodman, Griesheimer, Pearce, Justus, Days, Keaveny, Bray and Shoemyer.

## ESCORT COMMITTEE

The Speaker appointed the following Committee to act with a like Committee from the Senate pursuant to **HCR 2**: Representatives Stevenson, Cox, Bringer, Burnett, Diehl, Flook, Grill, Jones (89), Kelly, Leara, Lipke, Low, Smith (150), Vogt, Pratt, Colona, Storch, Calloway, Kander and Talboy.

## THIRD READING OF HOUSE BILLS

**HB 1442**, relating to local sales taxes, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HB 1442** was read the third time and passed by the following vote:

AYES: 132

Atkins	Aull	Bivins	Brandom	Bringer
Brown 50	Brown 149	Bruns	Burlison	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Cooper
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Quinn	Riddle	Roorda
Ruestman	Ruzicka	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoemehl



Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 019

Allen	Biermann	Brown 30	Davis	Diehl
Dugger	Dusenberg	Emery	Ervin	Grisamore
Guernsey	Koenig	Kraus	Leara	Pratt
Schoeller	Smith 150	Wells	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona	Corcoran	Cox	Rucker	Salva
Sander	Vogt	Yaeger		

VACANCIES: 004

**HCS HB 1544**, relating to unemployment compensation, was taken up by Representative Fisher (125).

On motion of Representative Fisher (125), **HCS HB 1544** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nolte	Norr	Oxford
Pace	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch

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Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Zimmerman	Mr Speaker

NOES: 012

Brown 30	Davis	Emery	Ervin	Guernsey
Jones 89	Koenig	Kraus	Leara	Nieves
Parkinson	Self			

PRESENT: 000

ABSENT WITH LEAVE: 002

Sander	Yaeger
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VACANCIES: 004

The emergency clause was adopted by the following vote:

AYES: 146

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nolte	Norr	Oxford
Pace	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 010

Brown 30	Davis	Ervin	Guernsey	Jones 89
Koenig	Kraus	Leara	Nieves	Parkinson

PRESENT: 000

ABSENT WITH LEAVE: 003

Emery	Sander	Yaeger
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VACANCIES: 004

Speaker Pro Tem Pratt assumed the Chair.

### **PERFECTION OF HOUSE BILL**

**HCS HB 1377**, relating to benefits for needy families, was taken up by Representative Brandom.

Representative Silvey offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1377, Page 1, Lines 1 and 2 of the title, by deleting the words, “illegal drug use of applicants and recipients of temporary assistance for needy families benefits” and inserting in lieu thereof the words, “drug testing”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“105.012. 1. Before taking office and once every two years thereafter, all state elected officials, shall be subject to chemical testing of their blood or urine for the purpose of determining the drug content of the blood. The costs of such testing shall be paid by such official.**

**2. To be considered valid, chemical tests of the person's blood or urine shall be performed according to methods and devices approved by the state department of health and senior services, and shall be performed by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. A blood test shall not be performed if the medical personnel, in good faith medical judgment, believe such procedure would endanger the health of the person.**

**3. Upon request of the person tested, full information concerning the test shall be made available to the person.**

**4. Refusal to submit to a drug test as authorized under this section is an admission that the member of the general assembly has taken a controlled substance without legal authorization. A member who refuses to submit to a drug test under this section shall be subject to any sanction authorized by law or rule of the respective house of the general assembly.**

**5. An official who tests positive for drugs that have not been lawfully prescribed or based on the testing has been shown to have abused the use of drugs that were otherwise lawfully prescribed shall participate in a drug treatment program. An official who tests positive for drugs under such circumstances and who fails to participate in a drug treatment program shall be subject to any sanction authorized by law or rule of the respective official.**

**6. For purposes of this section, "drug" means marijuana, any narcotic drug or controlled substance as defined in chapter 195, RSMo, or the metabolite of any such substance.”**

**7. No person administering a chemical test under this section or any other person, firm, or corporation with whom such person is associated shall be civilly liable for damages to the person tested except for negligence or by willful or wanton act or omission.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Smith (150) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Silvey raised an additional point of order that the first point of order was not timely.

The Chair ruled the second point of order well taken.

Representative Chappelle-Nadal offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1377, Page 1, Line 7, by deleting all of said line and inserting in lieu thereof the following:

**“officials may volunteer to participate in a program to be randomly selected for chemical testing of their blood or urine for the purpose of determining”; and**

Further amend said amendment, Page 1, Lines 17-22, and Page 2, Lines 1-3, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Chappelle-Nadal moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 013

Atkins	Brown 50	Burnett	Carter	Chappelle-Nadal
Hughes	Liese	McDonald	Nasheed	Oxford
Talboy	Vogt	Walton Gray		

NOES: 143

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Calloway	Casey	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara

LeBlanc	LeVota	Lipke	Loehner	Low
McClanahan	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 003

Franz	Sander	Yaeger
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VACANCIES: 004

Representative Schupp offered **House Amendment No. 2 to House Amendment No. 1.**

*House Amendment No. 2*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1377, Page 1, Lines 21-22, by deleting all of said lines; and

Further amend, Page 2, Lines 1-3, by deleting all of said lines and replacing with the following:

**"5. Any elected official that tests positive for illegal use of a controlled substance shall, after an administrative hearing conducted by the department under provisions of chapter 536, be declared ineligible to perform his or her elected duties.";** and.

Representative Schupp moved that **House Amendment No. 2 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Colona
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva

Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Witte	Zimmerman		

NOES: 081

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nolte
Parkinson	Parson	Pratt	Riddle	Ruestman
Ruzicka	Sater	Schaaf	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Chappelle-Nadal	Cooper	Jones 117	Low	Nieves
Pollock	Sander	Schad	Spreng	Yaeger

VACANCIES: 004

**HCS HB 1377, with House Amendment No. 1, pending, was laid over.**

## **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 383** - Rules

**HR 384** - Rules

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1904**, introduced by Representatives Wilson (130) and Hobbs, relating to the Missouri life and health insurance guaranty association act.

**HB 1905**, introduced by Representatives Wilson (130), Jones (89), Sater, Dieckhaus and Ruzicka, relating to professional relationships between teachers and school districts.

**HB 1906**, introduced by Representatives Stevenson, Sater and Bivins, relating to fees for child support modification.

**HB 1907**, introduced by Representatives Stevenson, Sater, Nieves, Emery, Bivins and Davis, relating to adoption records.

**HB 1908**, introduced by Representatives Stevenson and Bivins, relating to dissolution of marriage.

**HB 1909**, introduced by Representatives Newman, Low, Walton Gray, Corcoran, McNeil, Skaggs, Jones (63), Pace, Grill, Lampe, Hummel and Schupp, relating to product safety for children.

**HB 1910**, introduced by Representatives Munzlinger, Gatschenberger, Parson, Jones (117) and Riddle, relating to the purchase of rifles and shotguns.

**HB 1911**, introduced by Representatives Schad, Wallace, Wells, Jones (117) and McNary, relating to background checks for school bus drivers.

**HB 1912**, introduced by Representatives McNary, Franz, Deeken, Molendorp, Jones (89), Leara, Scharnhorst, Grisamore, Flanigan, Koenig, Nieves, Funderburk, Smith (14), Schoeller, Gatschenberger, Day, Schaaf, Bivins, Lair, Keeney, Chappelle-Nadal, Brown (50), Bruns, Nolte, Kelly, Dieckhaus, Tracy, Burlison, Bivins, Allen, Zerr, Sutherland, Brown (149), Nasheed, Guernsey, Jones (63), McDonald, Dougherty, Komo, Parkinson and Dugger, for the sole purpose of repealing multiple versions of statutes.

**HB 1913**, introduced by Representatives Schad, Brown (149), Gatschenberger and Sater, relating to the designation of the timber rattlesnake as the official snake of the state of Missouri.

**HB 1914**, introduced by Representatives Oxford, Storch, Atkins, Walton Gray, Pace, Norr, Low, Lampe, Kelly, Kirkton, Zimmerman, Nasheed, Morris, Corcoran, Colona, Carter, Komo, Walsh, Newman, Still, LeBlanc, Schupp, Calloway, Webber, Curls, Webb, Kander and Hughes, relating to the compassionate assistance for rape emergencies act.

**HB 1915**, introduced by Representatives Oxford, Roorda, Carter, Aull, Low, Nasheed, Morris, Walton Gray, Schieffer, Pace, Yaeger, Atkins, Harris, Holsman, Walsh, Calloway, Newman, Norr, Curls, Schupp, Fallert, Hodges and Hughes, relating to solely to the creation of an earned income tax credit.

**HB 1916**, introduced by Representative Sutherland, relating to identifying and tracking certain property tax abatements.

**HB 1917**, introduced by Representatives Wilson (119), Wallace, Guernsey, Munzlinger, Loehner, Schad, Pollock, Franz, Wells, Denison, Schieffer, Sater and Fisher (125), relating to sales tax exemptions.

**HB 1918**, introduced by Representative Sater, relating to public assistance programs administered by the state.

**HB 1919**, introduced by Representatives Webber, Still, Kelly, Hobbs and Quinn, relating to a tax credit for donations for capital improvements for universities.

**HB 1920**, introduced by Representatives Low, Walton Gray, Oxford, Yaeger, Burnett, Webber, Pace and Talboy, relating to interest on medical debt.

**HB 1921**, introduced by Representatives Low, Walton Gray, Kirkton, Oxford, Corcoran, Yaeger, Schupp, Chappelle-Nadal, Colona, Pace, Storch and Talboy, relating to the puppy mill cruelty prevention act.

**HB 1922**, introduced by Representatives Low, Walton Gray, Oxford, McNeil, Englund, Schupp, Jones (63), Pace and Talboy, relating to green school grants.

**HB 1923**, introduced by Representatives Low, Walton Gray, Oxford, Zimmerman, Skaggs, Pace and Talboy, relating to public utilities.

**HB 1924**, introduced by Representatives Low, Walton Gray, Oxford, Newman and Talboy, relating to the posting of nurse staffing levels at hospitals.

**HB 1925**, introduced by Representatives Low, Walton Gray, McNeil, Newman, Pace and Talboy, relating to product safety.

**HB 1926**, introduced by Representatives Low, Walton Gray, Oxford, Yaeger, Chappelle-Nadal, Newman and Talboy, relating to spaying and neutering of dogs and cats.

**HB 1927**, introduced by Representatives Low, Walton Gray, Oxford, McNeil, Morris, Newman and Talboy, relating to compensation for wrongful imprisonment.

**HB 1928**, introduced by Representatives Low, Walton Gray, Oxford and Talboy, relating to motor vehicle windshield stickers.

**HB 1929**, introduced by Representatives Low, Walton Gray, Oxford, McNeil, Skaggs, Englund, Morris, Newman, Pace and Talboy, relating to renewable energy trends.

**HB 1930**, introduced by Representatives Low, Walton Gray, Oxford, McNeil, Skaggs, Englund, Morris, Newman, Pace and Talboy, relating to energy conservation.

**HB 1931**, introduced by Representatives Low, Walton Gray, Oxford, McNeil, Englund, Morris and Talboy, relating to renewable energy.

**HB 1932**, introduced by Representatives Low, Walton Gray, Oxford, McNeil, Morris, Talboy, Newman and Pace, relating to the disclosure of energy efficiency rating of new residential homes.

**HB 1933**, introduced by Representatives Low, Walton Gray, Oxford, Morris, Newman, Pace and Talboy, relating to global warming.



**HB 1934**, introduced by Representatives Low, Walton Gray, Oxford, Zimmerman, McNeil, Skaggs, Pace, Lampe, Morris, Newman, Storch and Talboy, relating to victims of sexual rape or sexual assault.

**HB 1935**, introduced by Representatives Low, Oxford, Skaggs, Jones (63), Pace, Grill, Lampe, Morris, Newman, Corcoran and Talboy, relating to health insurance coverage for cervical cancer testing.

**HB 1936**, introduced by Representatives Low, Walton Gray, Oxford, Zimmerman, Skaggs, Newman, Corcoran and Pace, relating to lenders of unsecured loans.

**HB 1937**, introduced by Representatives Low, Newman, Walton Gray, Oxford, Zimmerman, Lampe, Pace and Talboy, relating to drivers' licenses.

**HB 1938**, introduced by Representatives Low, Walton Gray, Oxford, Zimmerman, Skaggs, Newman, Pace and Talboy, relating to school buses.

**HB 1939**, introduced by Representatives Low, Walton Gray, Oxford, Corcoran, Zimmerman, Pace, Lampe, Newman, Storch and Talboy, relating to toxic children's merchandise.

**HB 1940**, introduced by Representatives Low, Walton Gray, Jones (63), Morris, Newman, Pace and Talboy, relating to paid family leave.

**HB 1941**, introduced by Representative Parson, relating to the designation of a memorial highway.

**HB 1942**, introduced by Representative Parson, relating to emergency telephone board members in certain counties.

**HB 1943**, introduced by Representative McGhee, relating to the Missouri military family relief fund.

**HB 1944**, introduced by Representatives Brown (149), Schad, Lair, Smith (150), Denison, Dugger and Munzlinger, relating to concealed carry endorsements.

**HB 1945**, introduced by Representatives Brown (149), Lair, McNary, Schad, Denison, Dugger and Smith (150), relating to actions against veterinarians.

**HB 1946**, introduced by Representatives Corcoran and Funderburk, relating to the taxing authority in certain cities.

**HB 1947**, introduced by Representatives Corcoran, McGhee, Funderburk, Meadows, Komo, Nance, Harris, Walsh and Talboy, relating to portable radar speed display signs.

**HB 1948**, introduced by Representative Curls, relating to the tobacco master settlement agreement.

**HB 1949**, introduced by Representative Curls, relating to eligibility for food stamps.

**HB 1950**, introduced by Representative Curls, relating to eligibility for food stamps.

**HB 1951**, introduced by Representative Sutherland, relating to the natural resources protection fund.

**HB 1952**, introduced by Representatives Cox, Funderburk, Jones (89), Schaaf, Grisamore, Bivins, Schad, Ruestman and Gatschenberger, relating to voter registration challenges.

**HB 1953**, introduced by Representative Smith (14), relating to payment of property taxes.

**HB 1954**, introduced by Representative Smith (14), relating to penalties for tax-delinquent lands.

**HB 1955**, introduced by Representative Smith (14), relating to installment payments of real property taxes.

**HB 1956**, introduced by Representatives Schoemehl, Kingery, McClanahan, Bivins, Still and Schupp, relating to an income tax deduction for certain tuition costs.

**HB 1957**, introduced by Representatives Schoemehl, Stevenson, Harris, Fischer (107), Pace, Walton Gray, McNeil, Oxford, Englund, Newman and Kelly, relating to ex parte orders of protection.

**HB 1958**, introduced by Representatives Newman, Atkins, Webb, Jones (63), Oxford, Still, LeVota, Hodges, Walton Gray, Schoemehl, Englund, Kirkton, Morris, Pace, Fischer (107), Carter, Schupp, McNeil, Low, Hummel, Yaeger, Lampe, Colona, Nasheed and Calloway, relating to domestic violence.

The following member's presence was noted: Yaeger.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, February 3, 2010.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 4.

Department of Natural Resources FY 2011 budget presentation.

#### **APPROPRIATIONS - EDUCATION**

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 1.

Department of Higher Education budget overview presentation.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 3, 2010, 2:30 p.m. Hearing Room 3.

Budget overview presentation: Governor, Lt. Governor, Secretary of State, State Auditor, and State Treasurer.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 5.

Lewin Group review of cost containment report for MO HealthNet.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 5.

Continuation of FY 2011 departmental budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 8, 2010, 1:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 6.

Department of Corrections budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 3, 2010, 2:00 p.m. Hearing Room 7.

Department of Economic Development budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 3, 2010, 9:00 a.m. Hearing Room 4.

Public hearing to be held on: HJR 76

CONSERVATION AND NATURAL RESOURCES

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 6.

Joint informational meeting with House State Parks and Waterways and Senate Agriculture, Food Production and Outdoor Resources Committees. Presentation State Parks Association.

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 3, 2010, 5:00 p.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1494, HB 1707

CRIME PREVENTION

Wednesday, February 3, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1303, HB 1591, HB 1695

DROPOUT PREVENTION TASK FORCE

Wednesday, February 3, 2010, 3:00 p.m. Hearing Room 2.

The task force will publicly meet to discuss its report.

ELECTIONS

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 7.

Executive session.

HEALTH CARE POLICY

Wednesday, February 3, 2010, Hearing Room 6, 12:00 p.m. or upon adjournment.

Informational meeting on children's health issues, diabetes, and smoking.

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, February 3, 2010, 5:00 p.m. Hearing Room 6.

Executive session only.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, February 8, 2010, 2:00 p.m. Hearing Room 1.

Quarterly business meeting.

Some portions of the meeting may be closed pursuant to Section 610.021.

JUDICIARY

Wednesday, February 3, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1499, HB 1535, HB 1692, HB 1811

LOCAL GOVERNMENT

Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1340, HB 1559, HB 1612, HB 1793

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Thursday, February 4, 2010, 9:30 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1682

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 1. AMENDED

Public hearing to be held on: HB 1838, HB 1846, HB 1872

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Wednesday, February 3, 2010, 8:00 a.m. Hearing Room 6.

Executive session. CORRECTED

**STATE PARKS AND WATERWAYS**

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 6.

Joint informational meeting with the Senate Agriculture, Food Production and Outdoor Resources Committee.

Presentation given by the State Park Association.

**TAX REFORM**

Wednesday, February 3, 2010, 8:45 a.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1520, HB 1408

**WAYS AND MEANS**

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1244, HB 1507, HB 1582

**HOUSE CALENDAR**

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 3, 2010

**HOUSE BILLS FOR SECOND READING**

HB 1904 through HB 1958

**HOUSE BILLS FOR PERFECTION**

1 HB 1542 - Deeken

2 HCS HB 1377, HA 1, pending - Brandom

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 34 & 35, (1-27-10, Page 167) - Icet

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTEENTH DAY, WEDNESDAY, FEBRUARY 3, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, it is written in Your Word, "Have you never heard? Have you never understood? The Lord is the everlasting God, the Creator of all the earth. He never grows weak or weary. No one can measure the depths of His understanding. He gives power to the weak and strength to the powerless." (*Isaiah 40:28-29*)

Help us, Lord God, as we travel a path filled with difficult decisions, successes, mistakes, joys and sorrow. May we learn from our mistakes and successes while responding to the challenges that lie ahead.

Grant us energy when tired, help us to concentrate when distracted, provide relief when weary and understanding when at a complete loss.

Surround us with those who make their hearts and ears attentive to Godly counsel and do what is right in Your sight.

Now may these words of mine, with which I have made supplication before You Lord, be near You day and night that You may maintain the cause of this people as each day may require.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifteenth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 385 through House Resolution No. 507

## HOUSE CONCURRENT RESOLUTIONS

Representative Kraus, et al., offered House Concurrent Resolution No. 48 and House Concurrent Resolution No. 49.

## SECOND READING OF HOUSE BILLS

**HB 1904** through **HB 1958** were read the second time.

**MOTION**

Representative Tilley moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 157

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Icet                      Sander

VACANCIES: 004

## JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Kinder, presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present.

AYES: 032

Barnitz	Bartle	Bray	Callahan	Clemens
Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Champion	Purgason
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VACANCIES: 000

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 147

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 89	Jones 117
Kander	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schoeller	Schoemehl	Schupp	Self



Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 001

Vogt

ABSENT WITH LEAVE: 011

Curls	Holsman	Jones 63	Keeney	Kuessner
Roorda	Salva	Sander	Schlottach	Viebrock
Wilson 130				

VACANCIES: 004

The Doorkeeper announced the approach of the Honorable William Ray Price, Jr., Chief Justice of the Supreme Court of Missouri. Chief Justice Price was duly escorted to the House Chamber and to the Speaker's dais where he delivered the following message to the assembly in Joint Session.

### STATE OF THE JUDICIARY ADDRESS

by

Chief Justice William Ray Price, Jr.

Mr. Speaker, Mr. President, members of the General Assembly: It is my honor to deliver this 37th State of the Judiciary Address.

I am completing my 17<sup>th</sup> year as a judge of the Missouri Supreme Court. In that time I have seen governors come and go, speakers of the House, lieutenant governors, president pro tems of the Senate, representatives and senators, all come and go. They all faced challenges and all claimed success of one kind or another.

As we look at this coming year, it is helpful to place ourselves in the context of time. Modern science teaches us that the universe we know began with a "great bang" 14 billion years ago. The earth was formed four billion years ago. Human life came into existence perhaps one or two million years ago. The reigns of David and Solomon were three thousand years ago. Against this backdrop, our lives, our times of service, are but a blink of God's eye. Or in the words of the 90<sup>th</sup> Psalm: "All our days, pass away ... like a sigh."

The famous author, John Updike, who died this year, described life as a "leap out of the dark and back." In more earthy terms, my uncle, an Iowa farmer, says that "no man plows too deep a furrow." But no matter how brief our time or small our step, this is our opportunity to do what we can to make Missouri a better place.

In some years, there have been grand proposals and bold initiatives. Given the economic realities confronting us, that will not be the case this year. Instead our contribution will be to live within our means, to provide the core services of government to our people, to maintain what is essential for our future, and to focus intensely upon the cost and benefit of everything that we do in state government.

Today I will talk about three things: first, how the judiciary is doing its part to address the state's financial short-fall; second, the need to rethink our strategies to deal with nonviolent crime, including drug and alcohol abuse; and third, a brief thought about the Missouri Nonpartisan Court Plan.

The judiciary has come to this time of financial crisis already lean. We were not favored in the last few years when times were better. Nonetheless, when the extent of the state's budget crisis became evident last year, we voluntarily returned nearly \$3 million of our appropriated funds for fiscal 2009. We will return another \$3 million of appropriated funds for fiscal 2010. We expect that we will have to do the same for fiscal 2011. This was not -- and is not -- an easy thing for us to do. The effect of these cuts is magnified by similar budget cuts being made by the counties. For example, the Jackson County circuit court alone has been cut another \$3 million by the county.

We have attempted to make our cuts in areas that would not impact our immediate ability to serve the judicial needs of the people of Missouri. However, the cuts we made severely jeopardize our ability to provide those services in the future. Let me share two examples.

Our statewide computer system needed the next generation of software, a software generation ago. We also needed to add the long promised e-filing component. But we have cut nearly \$1.4 million from our technology budget.

Our programs to keep Missouri judges educated and up-to-date on the law are vitally important to the quality of our judiciary. Judges shouldn't be the lowest paid and the least educated lawyers in the courtroom. But we have cut \$443,000 from that budget. And so on.

My point is this. We recognize that as a branch of state government we must sacrifice to help balance the budget. We also recognize that we must keep the courts open to meet the needs of our people and to resolve the 800,000 lawsuits they file annually. In business terms, we will put the customers -- the people of Missouri -- first. But we have come to the point where any additional cuts will directly threaten our ability to handle Missouri's legal business now and the cuts that we have already made threaten our ability to handle Missouri's legal business in the future. When things get better -- and they will -- these cuts need to be restored as soon as possible.

Before leaving this subject, I would like to thank Senator Lembke for offering SJR 28. The resolution would link the pay of Missouri judges to 75 percent of the pay for the corresponding federal position. Interestingly, it would raise the pay of our associate circuit court judges to the same level as our circuit court judges.

There is not a single factor that more adversely impacts our ability to attract and retain quality judges as the relatively low level of judicial pay. Today we have four former Supreme Court judges, in the prime of their careers, enjoying the greener pastures of private practice and two enjoying the higher pay of the federal courts.

Missouri currently ranks 39<sup>th</sup> in the nation in pay levels for our trial court judges, who are paid approximately \$120,000 per year. We have lower pay than all the states that surround us: Iowa (\$137,000); Illinois (\$174,000); Tennessee (\$148,000); Arkansas (\$136,000); Oklahoma (\$124,000); and Nebraska (\$128,000) ... excepting only Kansas, whose trial court pay approximately equals ours (\$120,000). (I don't know if it is worse to be below Arkansas or tied with Kansas?)

Nonetheless, I cannot support this resolution. In the current financial crisis, there is no money for judges' raises. I thank you for the idea, but the time is wrong.

Now I need turn our attention to the area of criminal law. Given the difficult financial situation of the state, we must look hard at the costs and effectiveness of our current statutory schemes, especially for nonviolent offenders.

The criminal justice system is very expensive. Law enforcement, prosecutors, public defenders, courthouses, and prisons all cost a lot of money. However, one of the core functions of government is to keep people safe in their homes and safe on the streets. But just because this is one of the most important places that we spend taxpayer money, it does not mean that all of that money is well spent.

For years we have waged a "war on drugs," enacted "three strikes and you're out" sentencing laws, and "thrown away the key" to be tough on crime. What we did not do was check to see how much it costs, or whether we were

winning or losing. In fact, it has cost us billions of dollars and we have just as much crime now as we did when we started. We have created a bottleneck by arresting far more people than we can handle down through the rest of the system.

We may have been tough on crime, but we have not been smart on crime. I would like to talk about this problem from three different perspectives: public defenders, prosecutors, and nonviolent offenders. It does no good to commit resources to law enforcement and to arrest criminals if you don't know what you are going to do with them, or you cannot afford to do what you should with them, after they have been arrested. It does no good.

The first problem is how we are going to try all the people we arrest. We already have discussed the financial stress under which the court system is operating. But our public defenders and prosecutors are also stressed to the point of breaking.

Last year the public defenders came to you and told you that they were under-funded and overworked. You appropriated to them an additional \$2 million of which they received \$500,000. A number of lawsuits regarding their situation were heard and decided in our Court. Essentially we acknowledged the public defenders' crisis in funding, but we declared certain of their regulations limiting their workload to be beyond their statutory authority.

The United States Constitution requires that anyone charged with an offense that may result in jail time be provided an attorney if he or she cannot afford one. The United States Constitution also requires timely trials of criminal cases. If there aren't enough public defenders, the system cannot wait, and jail time cannot be threatened or imposed.

The solution to this problem is relatively simple: either increase the public defender's funding or tell the public defender who to defend and who not to defend within the limits of their funding. At present, you only allow the public defender to determine eligibility by indigency. That means only the poorest offenders will qualify, regardless of the severity of the crime. I would suggest that the most serious charges be targeted, and that the least serious charges be those for which jail time cannot be sought, if we cannot adequately fund the public defender's office. This is simple common sense. Spend our money where it counts. But your statutes don't read that way now.

The state's prosecutors are also underpaid and overworked. Even though they bring charges in the name of the State of Missouri, they are county officers and their pay levels and workloads are determined by the counties they serve.

In some ways prosecutors are the most powerful individuals in the criminal justice system. They decide whether charges are brought. They decide what charges are brought. They decide what plea agreements are made. If we want these decisions to be made well, we need people making them who are not underpaid and overworked. If we want these decisions made consistently across the state, there needs to be state involvement.

The inconsistency that you have read about in statewide DWI prosecution, plea bargaining, and sentencing exists in all other areas of our criminal law as well. Listen to the disparity. Prison sentences as a percentage of all criminal dispositions for fiscal 2009 ranged from 10.8 percent to 48.7 percent among our various circuits. That means that 1 out of every 10 people found guilty of a crime is sentenced to jail in our lowest sentencing circuit, while 5 out of every 10 are sentenced to jail in our highest sentencing circuit. The average length of sentences also varies greatly. The average sentence in our lowest sentencing circuits is 4.5 years and 9 years in our highest sentencing circuit. Such a great disparity from circuit to circuit cannot be what we want from a moral, financial, or any other perspective.

The Missouri Bar has appointed a committee to look into recommendations for public defenders and prosecutors. The committee is chaired by your former colleague Joe Moseley. Prior to serving as a state senator, he also served as a prosecuting attorney and as a public defender. I would expect the committee to come to you with a balanced and practical proposal. Whatever the recommendation, this problem needs careful consideration -- consideration that goes beyond merely the dollars that are appropriated.

Perhaps the biggest waste of resources in all of state government is the over-incarceration of nonviolent offenders and our mishandling of drug and alcohol offenders. It is costing us billions of dollars and it is not making a dent in crime.

Listen to these numbers. In 1994, shortly after I came to the Court, the number of nonviolent offenders in Missouri prisons was 7,461. Today it's 14,204. That's almost double. In 1994, the number of new commitments for

nonviolent offenses was 4,857. Last year, it was 7,220 -- again, almost double. At a rate of \$16,432 per offender, we currently are spending \$233.4 million a year to incarcerate nonviolent offenders ... not counting the investment in the 10 prisons it takes to hold these individuals at \$100 million per prison. In 1994, appropriations to the Department of Corrections totaled \$216,753,472. Today, it's \$670,079,452. The amount has tripled. And the recidivism rate for these individuals, who are returned to prison within just two years, is 41.6 percent.

I could quote different statistics and relationships to you all morning, but the simple fact is, we are spending unbelievable sums of money to incarcerate nonviolent offenders, and our prison population of new offenders is going up, not down -- with a recidivism rate that guarantees this cycle will continue to worsen at a faster and faster pace, eating tens of millions of dollars in the process. Missouri cannot afford to spend this much money without getting results.

The problem is not with the administrators of the prisons. I have worked closely with all of them, from Dora Schriro and Gary Kempker, to your former colleague, Larry Crawford, and now George Lombardi. These public servants were -- and are -- excellent at their work, as are their staffs. The problem is that we are following a broken strategy of cramming inmates into prisons and not providing the type of drug treatment and job training that is necessary to break their cycle of crime. Any normal business would have abandoned this failed practice years ago, and it is costing us our shirts.

Let me be clear: violent offenders need to be separated from us so they cannot hurt innocent men, women or children, regardless of the cost. I am not talking about them. I am talking about nonviolent offenders.

Nonviolent offenders need to learn their lesson. I'm not against punishment. Most often, though, they need to be treated for drug and alcohol addiction and given job training. Putting them in a very expensive concrete box with very expensive guards, feeding them, providing them with expensive medical care, surrounding them with hardened criminals for long periods of time, and separating them from their families who need them and could otherwise help them does not work. Proof is in the numbers: 41.6 percent are back within two years.

Although this is a horrible Missouri problem, it is not just a Missouri problem. Republicans and Democrats across the country are waking up. State Senator Stewart Greenleaf, a Republican from Pennsylvania, said:

"What we have done with the laws we passed over the last 20 years is thrown our net out there too widely and picked up too many little fish. We filled our prisons with nonviolent, first time offenders, and with no noticeable increase in public safety." (NCSL Roundtable, Sept.26, 2008).

United States Senator Jim Webb, a Democrat from Virginia, said:

"Focus must be placed on locking up the most dangerous people instead of diverting time and money to incarcerate the wrong people." (<http://webb.senate.gov>).

Newt Gingrich said: "We have to fundamentally rethink prisons." (American Enterprise Institute forum, March 27, 2008).

There is a better way. We need to move from anger-based sentencing that ignores cost and effectiveness to evidence-based sentencing that focuses on results -- sentencing that assesses each offender's risk and then fits that offender with the cheapest and most effective rehabilitation that he or she needs. We know how to do this. States across the nation are moving in this direction because they cannot afford such a great waste of resources. Missouri must move in this direction, too.

Of course, we must be careful and deliberate. This effort will require statewide coordination and revision of a number of our statutes. It will require diverting some offenders from prison and removing others from prison more quickly -- after they have learned their lesson, but before they are ruined by worse offenders and before they lose their ability to return to their communities, their families, and hopefully, jobs.

One thing we should do immediately is increase our investment in drug courts and expand that effort to DWI courts. Illegal drug use drives crime. Depending upon the study, 60 to 80 percent of crime involves drug use. We also

know that simple incarceration, no matter how expensive, does not cure addiction. Treatment combined with strict judicial oversight does.

We know drug courts work. We have more than 8,500 graduates. And we know the tremendous savings that result from drug courts in Missouri. Many of you have visited our drug courts. Just two weeks ago, Speaker Richard brought two drug court graduates, Richard Rainey and Andrea Berin, to speak to you so you could see their success. Thank you for doing that, Mr. Speaker.

At one-fourth to one-fifth the cost of incarceration, more than one-half of drug court participants graduate, and recidivism is only in the 10 percent range. The last five meta studies on drug courts, from all across the United States, have shown that drug courts reduce crime from 8 to 26 percent.

Five years ago I made a mistake. Senator Lager, then House Budget Committee chairman, offered \$10 million to take drug courts to full capacity. I was afraid that we could not handle that much money that quickly and asked instead for \$2 million a year for the next five years. We got the first million that year, but not the rest. So, for the last four years, our drug court program has been operating at half capacity and you have been wasting tens of millions of dollars a year in unnecessary and counterproductive incarceration costs. There is no excuse.

We need to expand our drug courts now -- \$2 million more a year -- until we reach capacity. We will save you many times more than that, and you will save lives and families. You saw it right here.

I thank all of you who have supported drug courts over the years, but we are a long way from where we need to be.

I know you will also be looking at ways to improve our DWI laws this session. When you do, I suggest that you focus on your goals. Do you just want to punish offenders, or do you want to make our streets and highways safer places to drive? Long jail sentences and 10 year license revocations certainly punish people. We have those already, and look at the number of repeat offenders – more than 4,500 a year. The proof of the misfocus of our anger is in the numbers.

What we need, again, are evidence-based strategies tailored to produce results. A person with a blood alcohol content over .20, arrested for the second time in one year, is different than a person with a blood alcohol content of .081 arrested for the second time in 10 years. One size doesn't fit all. Consistency between jurisdictions is a good goal; consistency among all offenders, despite their individual risks and needs, is not. Some of these people need jail time. For others, significantly increased monetary fines will work. Many need treatment for alcoholism.

We have had tremendous success with DWI courts. They operate on the same model as our drug courts. Commissioner Peggy Davis in Springfield runs a nationally recognized DWI court and trains judges across the country. We should have her training judges across this state. Our goal should not be to spend \$16,000 a year to keep these offenders in jail as long as we can. Our goal should be to spend \$3,000 a year to treat their alcoholism, and to return them to our state as productive tax-paying members of society who drive with licenses, with insurance, and who are sober.

Don't kid yourselves. The 10-year, no exception, license revocation that we have now sounds good, but it doesn't work. You cannot live and work in Missouri, especially suburban and rural Missouri, without a driver's license. All the 10-year revocation guarantees is that the offender is driving without a license, without insurance, and probably drunk. What we need is a sober driver who has a restored license and insurance. Expansion of DWI courts statewide, and the return of licenses to sober DWI court graduates, will do more for the safety of our roads and highways than any other single change in the law you can make.

I will not comment on the proposed initiative petitions to replace the Missouri Nonpartisan Plan of selecting judges. There is pending litigation regarding these initiatives. That litigation is entitled to full and fair consideration on the merits of the issues raised by all parties. But you, again, have legislative proposals before you, so I will address this topic in a more general way.

There is a difference in our respective jobs that you should consider. You all run for office in general partisan elections. To do so you need to raise money, perhaps to hire special consultants, and to make promises to the voters about what policies you will support or oppose if elected. Once elected, you are expected to hold true to those promises.

To some extent this is and has always been tolerated because the policies you campaign on are general in nature. The laws you pass apply to all. You seek to serve the will of the majority. No individual is singled out.

Our job is not that way. Though an equal branch of government, we have a more limited role. We resolve individual disputes. We have no power until litigants come to us with a real controversy, in which they have a real interest. When they do, we are not free to choose any resolution we want. We are first bound to honor our national and state constitutions. In fact, we are sworn to uphold the Bill of Rights that guarantees the rights of the individual, even against the will of the majority that you serve. We then follow the laws that you enact.

When the people of Missouri walk into our courtrooms, they expect and deserve to have their individual case heard on its facts and on the law, without fear that a rich man or a powerful interest has already bought the promise of the judge to rule the other way. Justice is rendering to each litigant what he or she is entitled to, not using his or her case as a stepping stone for fundraising or as a stepping stone for the advancement of a particular ideological or political goal, or as payback to a contributor.

Remember *Avery v. State Farm*, the case from Illinois in which an Illinois Supreme Court justice cast the deciding vote in a \$450 million case in favor of an insurance company ... after receiving more than \$1 million in campaign contributions from those connected to the company. Remember *Caperton v. Massey*, the case from West Virginia in which a new West Virginia Supreme Court justice cast the deciding vote in a \$50 million case after the CEO of that company spent approximately \$3 million to defeat the new judge's opponent.

Justice is a sacred but fragile concept. It depends upon the eye of the beholder, the trust and confidence of our people. It cannot be for sale to the richest bidder, the most powerful special interest group, or to the cleverest consultant.

The Supreme Court of Missouri has just voted to change the rules to release the names of all those interviewed for appointment under the Missouri Nonpartisan Plan. This step to transparency will allow the people of our state to judge the panels of three chosen for submission to the governor against all of those who are considered. It is a significant and good change.

Any change that moves the Missouri plan closer to politics, special interests, or money is a change in the wrong direction.

I would like to end my speech with this thought. In my time on the Court, I have seen how hard your life is here in the legislature. I understand the pressures you bear to keep your base, the pressures from special interest groups, the pressures to raise thousands of dollars to fund your campaigns, or to move up in leadership.

I know what I have spoken about today is too complicated for 10 second sound bites, and I don't have hundreds of thousands of dollars to donate to your campaign committees. But let me tell you this. I did not come here to waste your time or mine. I did not come here to give a meaningless speech. From time to time I run into old senators and representatives. They like to visit about what they did in office. They never talk about the money they raised or when they buckled to political pressures. What they talk about are the good things that they did; the things they were proud of.

There will be a day when your time of service comes to an end, too. When it does and you go home, you all will want to be proud of what you have done.

Savings millions of dollars, saving lives, saving families, and making Missouri a safer and better place, is something you can go home and be proud of.

The Joint Session was dissolved by Senator Engler.

Speaker Richard resumed the Chair.

## PERFECTION OF HOUSE BILL

Speaker Pro Tem Pratt assumed the Chair.

**HCS HB 1377, with House Amendment No. 1, pending**, relating to benefits for needy families, was taken up by Representative Brandom.

Representative Stevenson offered **House Amendment No. 3 to House Amendment No. 1**.

*House Amendment No. 3  
to  
House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1377, Page 1, Lines 18 to 20, by deleting all of said lines and inserting in lieu thereof the following:

**“official has taken a controlled substance without legal authorization. An official who refuses to submit to a drug test under this section shall be subject to any sanction authorized by law or rule covering the respective official.”; and**

Further amend said amendment, Page 2, Line 3, by deleting the word, **“of”** and inserting in lieu thereof the word, **“covering”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Funderburk assumed the Chair.

On motion of Representative Stevenson, **House Amendment No. 3 to House Amendment No. 1** was adopted.

On motion of Representative Silvey, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 144

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Cooper	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Iceet
Jones 63	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves

Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 008

Burnett	Colona	Davis	Hughes	Sater
Spreng	Wallace	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 007

Flook	Kander	Kelly	Sander	Schlottach
Storch	Vogt			

VACANCIES: 004

**HCS HB 1377, as amended**, was laid over.

Speaker Pro Tem Pratt resumed the Chair.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 13** - Elementary and Secondary Education  
**HCR 16** - State Parks and Waterways  
**HCR 36** - Tourism  
**HCR 37** - Tourism

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 45** - Special Standing Committee on General Laws  
**HJR 69** - Special Standing Committee on General Laws  
**HJR 70** - Special Standing Committee on General Laws  
**HJR 71** - Ways and Means  
**HJR 72** - Special Standing Committee on General Laws  
**HJR 81** - Job Creation and Economic Development  
**HJR 86** - Agriculture Policy



## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1205** - Public Safety
- HB 1209** - Judiciary
- HB 1220** - Veterans
- HB 1221** - Veterans
- HB 1222** - Ways and Means
- HB 1223** - Public Safety
- HB 1224** - Veterans
- HB 1240** - Tax Reform
- HB 1242** - Public Safety
- HB 1243** - Energy and Environment
- HB 1265** - Real ID and Personal Privacy
- HB 1268** - Tourism
- HB 1270** - Health Care Policy
- HB 1279** - Judiciary
- HB 1289** - Healthcare Transformation
- HB 1302** - Senior Citizen Advocacy
- HB 1318** - Judiciary
- HB 1321** - Ways and Means
- HB 1365** - Special Standing Committee on Children and Families
- HB 1368** - Veterans
- HB 1388** - Local Government
- HB 1404** - Special Standing Committee on Emerging Issues in Animal Agriculture
- HB 1405** - Judiciary
- HB 1410** - Job Creation and Economic Development
- HB 1420** - Ways and Means
- HB 1424** - Ways and Means
- HB 1436** - Special Standing Committee on Infrastructure and Transportation Funding
- HB 1437** - Special Standing Committee on Infrastructure and Transportation Funding
- HB 1438** - Special Standing Committee on Infrastructure and Transportation Funding
- HB 1444** - Special Standing Committee on General Laws
- HB 1445** - Special Standing Committee on General Laws
- HB 1446** - Special Standing Committee on General Laws
- HB 1452** - Crime Prevention
- HB 1457** - Job Creation and Economic Development
- HB 1466** - Corrections and Public Institutions
- HB 1472** - Public Safety
- HB 1496** - Agriculture Policy
- HB 1502** - Rural Community Development
- HB 1504** - Higher Education
- HB 1516** - Special Standing Committee on General Laws
- HB 1523** - Healthcare Transformation
- HB 1546** - Special Standing Committee on Children and Families
- HB 1551** - Crime Prevention

**HB 1564** - Local Government  
**HB 1567** - Local Government  
**HB 1568** - Local Government  
**HB 1571** - Administration and Accounts  
**HB 1580** - Veterans  
**HB 1581** - Transportation  
**HB 1584** - Financial Institutions  
**HB 1589** - Local Government  
**HB 1592** - Local Government  
**HB 1593** - Local Government  
**HB 1594** - Local Government  
**HB 1628** - Elementary and Secondary Education  
**HB 1629** - Elementary and Secondary Education  
**HB 1631** - Senior Citizen Advocacy  
**HB 1636** - Special Standing Committee on Infrastructure and Transportation Funding  
**HB 1640** - Judiciary  
**HB 1645** - Administration and Accounts  
**HB 1654** - Judiciary  
**HB 1668** - Transportation  
**HB 1672** - Transportation  
**HB 1677** - Tourism  
**HB 1709** - Financial Institutions  
**HB 1726** - Crime Prevention  
**HB 1747** - Agriculture Policy  
**HB 1767** - Ways and Means  
**HB 1768** - Ways and Means  
**HB 1777** - Tourism  
**HB 1778** - Tourism  
**HB 1782** - Homeland Security  
**HB 1800** - Tax Reform  
**HB 1803** - Elementary and Secondary Education  
**HB 1806** - Local Government  
**HB 1824** - Special Standing Committee on Professional Registration and Licensing  
**HB 1831** - Elementary and Secondary Education  
**HB 1832** - Special Standing Committee on Professional Registration and Licensing  
**HB 1851** - Utilities  
**HB 1858** - Conservation and Natural Resources  
**HB 1868** - Special Standing Committee on General Laws  
**HB 1869** - Crime Prevention

### **COMMITTEE REPORTS**

**Committee on Crime Prevention**, Chairman Lipke reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 1540**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1543**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Health Insurance**, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **HB 1311** and **HB 1341**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1959**, introduced by Representative Schoeller, relating to records requests.

**HB 1960**, introduced by Representatives Ruestman, Munzlinger, Cunningham, Schad, Lair, Fisher (125), Day, Cox, Thomson, Weter, Sater, Wallace, Koenig and Wilson (130), relating to wages for work done on behalf of a school.

**HB 1961**, introduced by Representatives Newman, Talboy, McNeil, Webb, Jones (63), Oxford, Still, LeVota, Kelly, Walton Gray, Kirkton, Webber, Storch, Pace, Morris, Zimmerman, Carter, Schupp, Low, Kander, Colona, Nasheed, Calloway and Komo, relating to the duty of a pharmacy to fill prescriptions.

**HB 1962**, introduced by Representatives Newman, Low, Jones (63), McClanahan, Komo, Webb, Oxford, LeVota, Hodges, Kelly, Walton Gray, Schoemehl, Englund, Kirkton, Webber, Storch, Morris, Pace, Corcoran, Schieffer, Carter, McNeil, Schupp, McGhee, Hummel, Skaggs, Chappelle-Nadal, Lampe, Yaeger, Colona, Nasheed and Calloway, relating to equal employment practices.

**HB 1963**, introduced by Representative Spreng, relating to storm water management.

**HB 1964**, introduced by Representative Ervin, relating to the Missouri high risk health insurance pool.

**HB 1965**, introduced by Representatives McNary, Smith (14), Flanigan, Tracy, Riddle, Allen, Deeken, Nance, Leara, Guest, Dieckhaus, Sutherland, Wright, Lair, Schoeller, Fisher (125), Zerr, Weter, Ruzicka, Molendorp, Pollock, Stevenson, Silvey, Nieves, Dusenbergh, Jones (89), Hobbs, Funderburk, Parson, Bivins, Tilley, Atkins, Wells, Koenig, Pratt, Bruns, Loehner, Scharnhorst, Schaaf, Komo, Kelly, Day, Cox and Wallace, for the sole purposes of repealing expired, sunset, terminated, ineffective, or obsolete statutes.

**HB 1966**, introduced by Representative Diehl, relating to elections.

**HB 1967**, introduced by Representatives Oxford, Carter, Storch, Lampe, Morris, Walton Gray, Yaeger, Atkins, Hoskins (80), Webber, Schieffer, Scavuzzo, Nasheed, Spreng, Walsh, Curls, Hodges, Pace, Still, Meiners, Jones (63), Brown (50), Fallert and Chappelle-Nadal, relating to school class size.

**HB 1968**, introduced by Representatives Biermann, Spreng, Yaeger, Walton Gray, Pace, Atkins, Meadows and Schieffer, relating to anatomical gifts.

**HB 1969**, introduced by Representatives Bivins, Fischer (107), Grisamore and Schad, relating to department of mental health protection measures.

**HB 1970**, introduced by Representatives Bivins, Atkins, Kratky, Smith (14), Roorda, Funderburk and Englund, relating to the designation of a memorial highway.

**HB 1971**, introduced by Representatives Bivins, Grisamore, Roorda and Schad, relating to the payment of health insurance claims.

**HB 1972**, introduced by Representatives Bivins, Fisher (125), Oxford, Munzlinger, Grisamore and Smith (150), relating to the prescription drug repository program.

**HB 1973**, introduced by Representatives Bivins and Grisamore, relating to commissioners appointed in condemnation proceedings.

**HB 1974**, introduced by Representatives Bivins, Munzlinger and Schad, relating to environmental audits.

**HB 1975**, introduced by Representatives Bivins, Kirkton and Grisamore, relating to the taxation of property.

**HB 1976**, introduced by Representatives Bivins, Allen and Funderburk, relating to taxes to fund emergency services.

**HB 1977**, introduced by Representatives Wasson and Shively, relating to emergency medical technicians.

**HB 1978**, introduced by Representative Talboy, relating to midwifery services.

**HB 1979**, introduced by Representatives Pace, Jones (117), Walton Gray, Chappelle-Nadal, Carter, Atkins, Casey, Morris, Low, Hummel, Jones (63), Oxford, Roorda, Brown (50), Kirkton, LeBlanc, Hughes, Lair, Nasheed, Schupp, Still, Hoskins (80) and Dusenberg, relating to notification to media of jail or detention facility escapes.

**HB 1980**, introduced by Representatives Kratky, Colona, Komo, Biermann, Hodges, McDonald, Walsh, Vogt, Corcoran, Meadows, Shively and Carter, relating to a tax credit for renovation of rental property.

**HB 1981**, introduced by Representatives Kratky, Spreng, Colona, Komo, Biermann, Hodges, McDonald, Walsh, Vogt, Meadows, Shively, Carter and Quinn, relating to a tax credit for certain small businesses.

**HB 1982**, introduced by Representatives Kratky, Colona, Komo, Biermann, Hodges, McDonald, Walsh, Vogt, Corcoran, Meadows, Shively, Carter and Quinn, relating to vacancies in the general assembly.

**HB 1983**, introduced by Representatives Stevenson, Lipke, Jones (89) and Burnett, relating to private nuisance actions where the amount in controversy exceeds one million dollars.

**HB 1984**, introduced by Representatives Stevenson and Burnett, relating to identifying information in court records.

**HB 1985**, introduced by Representative Stevenson, relating to comprehensive psychiatric services.

**HB 1986**, introduced by Representatives Holsman, Roorda, Aull, Dougherty, Spreng, LeBlanc, Rucker, Jones (63), Funderburk and Atkins, relating to broadcasting of professional sporting events in publicly funded stadiums.

**HB 1987**, introduced by Representative Schoeller, relating to employment security.

**HB 1988**, introduced by Representative Wasson, relating to disciplinary actions against licensed professionals.

**HB 1989**, introduced by Representative Wasson, relating to disciplinary actions against health care professionals.

## COMMITTEE APPOINTMENT

February 3, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Stacey Newman to serve as a member of the Administration and Accounts Committee and a member of the Appropriations - General Administration Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

**COMMUNICATION**

February 2, 2010

Mr. D. Adam Crumbliss  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. My wife, Linda Witte, is a member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

I thank you for your attention to this matter.

Sincerely yours,

/s/ Terry L. Witte  
State Representative  
District 10

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, February 4, 2010.

**COMMITTEE MEETINGS**

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Thursday, February 4, 2010, 8:00 a.m. Hearing Room 5.  
Continuation of FY 2011 departmental budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Monday, February 8, 2010, 1:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES  
Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.

Departmental FY 2011 budget presentation

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Monday, February 8, 2010, Hearing Room 3 upon afternoon adjournment.

Department of Economic Development budget presentation continued.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

CONSERVATION AND NATURAL RESOURCES

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 6.

Joint informational meeting with House State Parks and Waterways and Senate Agriculture, Food Production and Outdoor Resources Committees. Presentation State Parks Association.

ELECTIONS

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 7.

Executive session.

HEALTHCARE TRANSFORMATION

Tuesday, February 9, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow

Public hearing to be held on: HB 1548

HIGHER EDUCATION

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1473

INTERNATIONAL TRADE AND IMMIGRATION

Thursday, February 4, 2010, 12:15 p.m. House Chamber south gallery.

Executive session.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, February 8, 2010, 2:00 p.m. Hearing Room 1.

Quarterly business meeting.

Some portions of the meeting may be closed pursuant to Section 610.021

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Thursday, February 4, 2010, 9:30 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1682

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, February 4, 2010, 8:00 a.m. Hearing Room 1. AMENDED

Public hearing to be held on: HB 1838, HB 1846, HB 1872

**STATE PARKS AND WATERWAYS**

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 6.

Joint informational meeting with the Senate Agriculture, Food Production and Outdoor Resources Committee. Presentation given by the State Park Association.

**TOURISM**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1336, HB 1271

**WAYS AND MEANS**

Thursday, February 4, 2010, 8:30 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1244, HB 1507, HB 1582

**HOUSE CALENDAR**

SEVENTEENTH DAY, THURSDAY, FEBRUARY 4, 2010

**HOUSE BILLS FOR SECOND READING**

HB 1959 through HB 1989

**HOUSE BILLS FOR PERFECTION**

1 HB 1542 - Deeken

2 HCS HB 1377, as amended - Brandom

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 34 & 35, (1-27-10, Page 167) - Icet

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet



# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SEVENTEENTH DAY, THURSDAY, FEBRUARY 4, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Let us pray with *Psalm 4*.

When I call, answer me, O my just God,  
You who relieve me when I am in distress;  
Have pity on me and hear my prayer!

Lord God, hear our prayer for the people we represent. We pray especially for those in our districts who shiver in the cold today, or who feel hunger because of lack of income or resources to meet their basic needs. Send neighbors and Good Samaritans to help them.

Let us pray for all who have to get by with less, in this time of fewer financial resources; may all of us share the burden with good will toward all others and with good faith in You, O Lord. May we stand ready to help the neighbor in need of our assistance.

To You, O God, be glory and honor and praise forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jordan Ayers, Casey Craft, Aaron Fieseler, Jose Garcia, Quinn Jefferson, Michelle Kirkham, Michael Klein, Josh Lee, Kayla Logsdon, Jason Payne, Anamaria Santiago and Michael Strande.

The Journal of the sixteenth day was approved as printed.

## SPECIAL RECOGNITION

Steve Arrowood was introduced by Representative Riddle and recognized for his years of volunteer service to the people of Haiti.

The Bowling Green Cross Country Track Team was introduced by Representative Witte and recognized for attaining the 2009 Class 2 State Championship.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 508 through House Resolution No. 546

## HOUSE CONCURRENT RESOLUTION

Representative Schlottach offered House Concurrent Resolution No. 50.

## SECOND READING OF HOUSE BILLS

**HB 1959** through **HB 1989** were read the second time.

## PERFECTION OF HOUSE BILL

**HCS HB 1377, as amended**, relating to benefits for needy families, was taken up by Representative Brandom.

Representative Dieckhaus offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1377, Page 1, Section 208.027, Lines 5-10, by deleting all of said lines and insert in lieu thereof:

**“screening, engages in illegal use of controlled substances. Any applicant or recipient who”**; and

Further amend said section and page, Lines 12-16, by deleting all of said lines and insert in lieu thereof the following:

**“prescribed for such applicant or recipient by a licensed health care provider, shall, after an administrative hearing conducted by the department under the provisions”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schaaf offered **House Amendment No. 1 to House Amendment No. 2**.

### *House Amendment No. 1*

*to*

### *House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1377, Page 1, Section 208.027, Line 3, by inserting immediately after the word **“substances.”** the following:

**“Any applicant or recipient who refuses to participate in the testing process shall be declared ineligible for temporary assistance for needy families benefits for a period of one year.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schaaf, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Silvey offered **House Amendment No. 2 to House Amendment No. 2**.

*House Amendment No. 2*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1377, Page 1, Line 9, by inserting after all of said line the following:

‘Further amend said bill, Section 208.027, Page 2, Line 43, by inserting after all of said Section and line the following:

**“Section 1. Any state elected official who tests positive for drugs as defined by section 105.012 , shall be subject to any sanction authorized by law or rule of the respective official.”; and’; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 2 to House Amendment No. 2** goes beyond the scope of the underlying amendment.

Representative Zimmerman raised an additional point of order that **House Amendment No. 2 to House Amendment No. 2** amends previously amended material.

The Chair ruled the points of order not well taken.

On motion of Representative Silvey, **House Amendment No. 2 to House Amendment No. 2** was adopted by the following vote:

AYES: 150

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace

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Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 005

Burnett	Colona	Hughes	Spreng	Vogt
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PRESENT: 000

ABSENT WITH LEAVE: 004

Emery	Kelly	McGhee	Meadows
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VACANCIES: 004

Representative Schaaf offered **House Amendment No. 3 to House Amendment No. 2.**

*House Amendment No. 3*  
to  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1377, Page 1, Section 208.027, Lines 1-2, by deleting said lines and inserting in lieu thereof the following:

‘AMEND House Committee Substitute for House Bill No. 1377, Page 1, Section 208.027, Line 4, by deleting the word "cause" and inserting in lieu thereof the following:

"suspicion"; and

Further amend said bill, section and page, Lines 5-10, by deleting all of said lines and insert in lieu thereof:’.

On motion of Representative Schaaf, **House Amendment No. 3 to House Amendment No. 2** was adopted by the following vote:

AYES: 101

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kratky	Kraus
Lair	Largent	Leara	Lipke	Loehner
McClanahan	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Todd

Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 051

Atkins	Aull	Bringer	Brown 50	Bruns
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Curls	Englund	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kirkton
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McDonald	McNeil	Morris	Nasheed
Newman	Oxford	Pace	Roorda	Sander
Schoemehl	Schupp	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Vogt	Walsh
Walton Gray	Webb	Webber	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Emery	Kelly	McGhee	Meadows	Meiners
Quinn	Salva			

VACANCIES: 004

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Ervin	Faith	Fisher 125	Flanigan	Flook
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wright	Zerr	Mr Speaker	

NOES: 067

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	olona
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges

Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Morris	Nasheed
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Emery	Franz	Kelly	McGhee
Meadows	Meiners	Wilson 130		

VACANCIES: 004

On motion of Representative Dieckhaus, **House Amendment No. 2, as amended**, was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Colona	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Ervin	Faith	Fisher 125	Flanigan
Flook	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Corcoran
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kirkton	Komo	Kratky	Kuessner	Lampe

LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Morris	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

Calloway	Emery	Franz	Kelly	McGhee
Meadows	Meiners			

VACANCIES: 004

On motion of Representative Brandom, **HCS HB 1377, as amended**, was adopted.

On motion of Representative Brandom, **HCS HB 1377, as amended**, was ordered perfected and printed by the following vote:

AYES: 113

Allen	Biermann	Bivins	Brandom	Bringer
Brown 30	Brown 149	Bruns	Burlison	Casey
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	Lipke	Loehner	McClanahan
McDonald	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 040

Atkins	Aull	Brown 50	Burnett	Carter
Chappelle-Nadal	Colona	Corcoran	Curls	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kirkton	Kuessner	LeBlanc	LeVota	Liese
Low	McNeil	Morris	Nasheed	Newman
Oxford	Pace	Roorda	Schupp	Spreng

Still	Storch	Talboy	Vogt	Walsh
Walton Gray	Webb	Webber	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway	Emery	Kelly	McGhee	Meadows
Meiners				

VACANCIES: 004

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 46** - Energy and Environment

### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 64** - Elections

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1231** - International Trade and Immigration  
**HB 1272** - Local Government  
**HB 1382** - Insurance Policy  
**HB 1402** - Energy and Environment  
**HB 1406** - Judiciary  
**HB 1518** - Ethics  
**HB 1570** - Insurance Policy  
**HB 1642** - Job Creation and Economic Development  
**HB 1648** - Special Standing Committee on Professional Registration and Licensing  
**HB 1758** - Public Safety  
**HB 1772** - Special Standing Committee on General Laws  
**HB 1792** - Special Standing Committee on General Laws  
**HB 1825** - Agriculture Policy  
**HB 1860** - Job Creation and Economic Development  
**HB 1883** - Special Standing Committee on Infrastructure and Transportation Funding  
**HB 1893** - Veterans  
**HB 1900** - Ways and Means  
**HB 1918** - Health Care Policy  
**HB 1941** - Transportation  
**HB 1965** - Special Standing Committee on General Laws



**HB 1966** - Elections

**HB 1987** - Special Standing Committee on Workforce Development and Workplace Safety

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCS SCR 35 & 32** - Agri-Business

### **COMMITTEE REPORTS**

**Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1497**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HJR 48**, **HJR 50** and **HJR 57**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 92**, introduced by Representatives Munzlinger and Fisher (125), relating to initiative petitions.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1990**, introduced by Representatives Wells, Wasson, Pollock, Deeken, Dieckhaus, Franz, Wilson (130), Wallace, Stevenson, Dugger and Denison, relating to nurses.

**HB 1991**, introduced by Representative Schlottach, relating to emergency services.

**HB 1992**, introduced by Representatives Fischer (107), Jones (117), Roorda, Aull, Schieffer and McGhee, relating to the law enforcement safety fund.

**HB 1993**, introduced by Representative Diehl, relating to unclaimed property.

**HB 1994**, introduced by Representatives Zerr, Meadows, Fallert, Colona, Dougherty, Roorda, Yaeger, Atkins, Frame, Komo, Corcoran, Walsh and Allen, relating to prohibited acts on excursion gambling boats.

**HB 1995**, introduced by Representatives Loehner and Schlottach, relating to a nuclear power surcharge.

**HB 1996**, introduced by Representatives Flanigan and Talboy, relating to motor vehicle financial responsibility.

**HB 1997**, introduced by Representative Wasson, relating to wholesale drug distributors.

**HB 1998**, introduced by Representatives Yaeger, Dougherty, Scavuzzo, Harris, Brown (50), Newman, McNeil, Englund, Wasson, Atkins, Casey, Fischer (107), LeBlanc, Pace and Walton Gray, relating to interior design.

**HB 1999**, introduced by Representatives Pratt, Deeken, Dieckhaus, Gatschenberger, Kelly, Webber, Zimmerman, Munzlinger, Colona, McClanahan, Schlottach, Aull, Norr, Corcoran, Faith, Sutherland, Nieves, Viebrock, Tilley, Low, Schaaf, Dougherty, Guernsey, Jones (89), Roorda, Wallace, Still, Scavuzzo, Calloway, Talboy and Flook, relating to student curators.

**HB 2000**, introduced by Representative Pratt, relating to abortion.

**HB 2026**, introduced by Representatives Hobbs, Kelly, Nolte and Webber, relating to enhanced enterprise zones.

**HB 2027**, introduced by Representative Diehl, relating to the tobacco master settlement agreement.

**HB 2028**, introduced by Representative Diehl, relating to the tobacco master settlement agreement.

**HB 2029**, introduced by Representative Diehl, relating to filing surveys with the county recorder.

**HB 2030**, introduced by Representative Diehl, relating to candidate qualifications.

**HB 2031**, introduced by Representative Diehl, relating to the procurement of construction by the design-build method by certain sewer districts.

**HB 2032**, introduced by Representatives Wasson, Low, Fischer (107), Atkins, Harris, Schieffer, Oxford, Burnett, LeVota, Skaggs, Denison and Dusenberg, relating to prohibited acts by appointed public officials.

**HB 2033**, introduced by Representative Diehl, relating to the taxation of property.

**HB 2034**, introduced by Representatives Oxford, Atkins, Pace, Low, Morris, Walton Gray, Jones (63), Carter, Yaeger, Talboy, Kirkton, Holsman, Walsh, LeBlanc, Vogt, Nasheed, Calloway, Hummel, Curls, Brown (50), Hughes, Burnett, Chappelle-Nadal and Webb, relating to individual income tax.

**HB 2035**, introduced by Representatives Weter, Sater, Brown (149), Smith (150) and Cooper, relating to surgical technology.

**HB 2036**, introduced by Representatives Lampe, Newman, Oxford, Norr, McGhee, Colona, Chappelle-Nadal, McNeil, Jones (63), Roorda, Vogt, Hummel, Webber, Biermann, Englund, Fallert, Holsman, Webb, Kirkton, Talboy, Still, Pace, Schupp, Curls, Dougherty, LeVota, Carter, Atkins, LeBlanc, Storch, Nasheed, Low, Schoemehl, Kratky, Walton Gray, Hughes, Walsh, Aull, Liese, Calloway, Yaeger, Rucker, Zimmerman, Komo, Zerr, Spreng, Morris, Grisamore, Kander, Skaggs, McDonald, Kuessner, Burnett, Hoskins (80), Corcoran, Meiners, Salva, Casey and Brown (50), relating to school safety.

**HB 2037**, introduced by Representative Bringer, relating to obstruction of justice.

**HB 2038**, introduced by Representatives Schoeller, Denison, Norr, Burlison, Viebrock and Dixon, relating to public safety arising from geologic sequestration.

**HB 2039**, introduced by Representatives Kraus and Dusenberg, relating to ethics.

**HB 2040**, introduced by Representatives Munzlinger and Sutherland, relating to sales at retail.

**HB 2041**, introduced by Representatives Zimmerman, Nasheed, Harris, Deeken, Wells, McDonald, Walton Gray, Kirkton and Grill, relating to landlords and tenants.

**HB 2042**, introduced by Representative Brown (30), relating to off-highway vehicles.

**HB 2043**, introduced by Representative Brown (30), relating to certificates of ownership for off-highway vehicles.

**HB 2044**, introduced by Representatives Frame, Casey, Atkins, Webb, Scavuzzo, Yaeger, Meadows, Fallert, Schoemehl, Roorda and Komo, relating to the manufacturing incubators act.

**HB 2045**, introduced by Representatives Frame, Skaggs, Hughes, Hodges, Shively, Casey, Harris, Fischer (107), Scavuzzo, Kratky, Fallert and Komo, relating to sales and use tax exemptions.

**HB 2046**, introduced by Representatives Jones (89) and Colona, relating to dissolution of marriage.

**HB 2047**, introduced by Representatives Jones (89), Funderburk and Grisamore, relating to motor fuel training and equipment.

**HB 2048**, introduced by Representatives Sutherland, Munzlinger, Wallace, Wells, Weter and Schad, relating to sales at retail.

**HB 2049**, introduced by Representative Smith (14), relating to the military leave of public employees.

**HB 2050**, introduced by Representatives Roorda, Nolte, Schieffer, Grill, Meadows and Corcoran, relating to controlled substances.

**HB 2051**, introduced by Representatives Deeken and Cooper, relating to the treatment of Master's disease.

**HB 2052**, introduced by Representatives Wallace, Cox, Wilson (130), Wilson, (119), Fisher (125), Deeken, Pratt, Self, Cunningham, Wasson, Nance, Rucker, Scavuzzo, Todd, Bringer, Aull, Kingery, Munzlinger, Shively, Brandom, Dugger, Wells, Schad, Schieffer, Hodges, Weter, Pollock, Thomson, McGhee, Quinn, Jones (117), Ruzicka, Hobbs, Grisamore and Lampe, relating to grants for small schools.

**HB 2053**, introduced by Representatives Wallace, Fisher (125), Aull, Day, Nance, Schad, Guest, Lair, Stream, Wells, Weter, Ruzicka, McNary, Flanigan, Harris, Munzlinger and Grisamore, relating to school funding.

The following members' presence was noted: Emery and Meadows.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, February 8, 2010.

### **COMMITTEE MEETINGS**

#### **AGRI-BUSINESS**

Tuesday, February 9, 2010, 1:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: SCS SCR 35 & 32

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Monday, February 8, 2010, 1:30 p.m. Hearing Room 4.

Department of Natural Resources. AMENDED

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 4.

Departments of Agriculture and Natural Resources.

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 4.

Departmental of Natural Resources.

#### **APPROPRIATIONS - EDUCATION**

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 1.

Mark up sheets presentation for Department of Elementary and Secondary Education.

Mark up sheets presentation for Department of Higher Education.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Monday, February 8, 2010, Hearing Room 3 upon afternoon adjournment.

Budget overview presentation: Judiciary.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 9, 2010, Hearing Room 3 upon morning adjournment.

Budget overview presentation: Office of Administration/Leasing.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 10, 2010, Hearing Room 3 upon morning adjournment.

Budget overview presentation: Department of Revenue, Tax Commission, Lottery and General Assembly.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 8, 2010, 1:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Monday, February 8, 2010, Hearing Room 7 upon afternoon adjournment.

Department of Economic Development budget presentation continued. CORRECTED

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

HEALTHCARE TRANSFORMATION

Tuesday, February 9, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow

Public hearing to be held on: HB 1548

HIGHER EDUCATION

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1473

HOMELAND SECURITY

Monday, February 8, 2010, Hearing Room 6 upon evening adjournment.

Informational legislative committee update from Department of Public Safety.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, February 8, 2010, 2:00 p.m. Hearing Room 1.

Quarterly business meeting.

Some portions of the meeting may be closed pursuant to Section 610.021.

PUBLIC SAFETY

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1205, HB 1242, HB 1472

RULES - PURSUANT TO RULE 25(32)(f)

Monday, February 8, 2010, Hearing Room 5 upon afternoon adjournment.

Possible Executive session. AMENDED

Public hearing to be held on: HCS HBs 1311 & 1341, HCS HB 1497, HCS HB 1540, HCS HB 1543

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 9, 2010, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1446, HJR 45, HJR 69, HJR 70, HJR 72

TOURISM

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1336, HB 1271

TRANSPORTATION

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 1258, HB 1310, HB 1330, HB 1775, HB 1776, HB 1668

UTILITIES

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1610

Executive session will be held on: HB 1750

**HOUSE CALENDAR**

EIGHTEENTH DAY, MONDAY, FEBRUARY 8, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 92 - Munzlinger

**HOUSE BILLS FOR SECOND READING**

1 HB 1990 through HB 2000

2 HB 2026 through HB 2053

**HOUSE BILLS FOR PERFECTION**

HB 1542 - Deeken

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 34 & 35, (1-27-10, Page 167) - Icet

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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EIGHTEENTH DAY, MONDAY, FEBRUARY 8, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, not only did You create the earth and everyone in it, but You continue to sustain it through Your creative power. May we resist any tendency to take Your blessings for granted. Renew our sense of wonder, gratitude and awe for the things You have made.

Instruct us and guide us along the best path for each day of this Session; with a watchful eye, give us counsel. May we be open and alert to Your directives, full of understanding, not inflexible or irresponsible.

Though the debates are ongoing, the disagreements considerable and the pressures of service unceasing; may we continue to find reassurance and rest in You.

Now may You, the God of peace, fully equip us with every grace that we may need for the doing of Your will, producing in us that which will truly please You.

In the name of Your Son, I pray. Amen.

The Colors were presented by Troops 348, 495 and 900 in observation of the 100<sup>th</sup> anniversary of the Boy Scouts of America Program.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventeenth day was approved as printed by the following vote:

AYES: 149

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Colona
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke



Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 009

Burnett	Calloway	Carter	Cooper	Holsman
Hughes	Low	Wallace	Webb	

VACANCIES: 004

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 547 through House Resolution No. 557

## HOUSE CONCURRENT RESOLUTIONS

Representative Lampe, et al., offered House Concurrent Resolution No. 51.  
Representative Walton Gray, et al., offered House Concurrent Resolution No. 52 and  
House Concurrent Resolution No. 53.

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 92** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1990** through **HB 2000** and **HB 2026** through **HB 2053** were read the second time.

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HCS HB 1377** - Fiscal Review (Fiscal Note)

## COMMITTEE REPORTS

### **Committee on International Trade and Immigration**, Chairman Nolte reporting:

Mr. Speaker: Your Committee on International Trade and Immigration, to which was referred **HB 1675**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Job Creation and Economic Development**, Chairman Flook reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 1684**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1559**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1311 & 1341**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1497**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1540**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1543**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 93**, introduced by Representatives Nieves, Smith (150), Jones (89), Ruestman, Leara, Wells, Burlison, Allen, Grisamore, Nolte, Scharnhorst, Gatschenberger, Wright, Ervin, Schaaf, McGhee, Emery, Funderburk, Fisher (125) and Dusenberger, relating to the protection of economic freedom.

**HJR 94**, introduced by Representatives Dethrow, Fisher (125) and Munzlinger, relating to initiative petitions.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2054**, introduced by Representatives Meiners, Norr, Dougherty, Faith, Yaeger, Walsh, Holsman, Kratky, Grill, Pollock, McGhee, Fallert, Corcoran, Wells, Calloway, Brown (50), Pace, Wright, Grisamore, relating to the donated food tax credit.

**HB 2055**, introduced by Representatives Silvey and Nolte, relating to drinking establishments.

**HB 2056**, introduced by Representative Diehl, relating to liens for failure to pay maintenance and support.

**HB 2057**, introduced by Representative Stream, relating to the MO HealthNet division's authority to collect from third-party payors.

**HB 2058**, introduced by Representative Diehl, relating to mechanic's liens.

**HB 2059**, introduced by Representatives Fisher (125), Munzlinger, Stream, Richard, Funderburk, Thomson, Nance, Hobbs, Stevenson, Wells, Deeken, Zerr, Flanigan, Tilley, Jones (89), Diehl, Sater, Schoeller, Lair, Brown (149), Scharnhorst, Day, Guest, Dethrow, Wilson (130), Nieves, Ruestman, Schad and Allen, relating to workers' compensation law.

**HB 2060**, introduced by Representative Molendorp, relating to the fairness for responsible drivers act.

**HB 2061**, introduced by Representatives Lampe, Newman, Oxford, Norr, McGhee, Colona, Jones (63), Englund, Wallace, McNeil, Kratky, Morris, Grisamore, Still, Schoemehl and Skaggs, relating to the use of wireless communication devices while operating motor vehicles.

**HB 2062**, introduced by Representatives Lampe, McNeil, Webb, Zimmerman, Norr and Still, relating to elected officials.

**HB 2063**, introduced by Representative Kraus, relating to liquified petroleum gases.

**HB 2064**, introduced by Representatives Morris, Roorda, Oxford, Walton Gray, Biermann, Grisamore, Hoskins (80), Pace, Brown (50), Webb, Nasheed, Hummel, Atkins, Colona and Calloway, relating to the Reverend Nathaniel Cole memorial pursuit reduction grant.

**HB 2065**, introduced by Representatives Morris, Webb, Pace, Jones (63), Brown (50), Burnett, Oxford, Casey, Hoskins (80), Nasheed, Hummel, Atkins, Colona, Calloway and Carter, relating to the prostate cancer pilot program.

**HB 2066**, introduced by Representatives Morris, Webb, Oxford, Walton Gray, Rucker, Roorda, Schieffer, Brown (50), Nasheed, Hummel, Atkins, Pace, Colona and Calloway, relating to the Missouri clean energy technology center.

**HB 2067**, introduced by Representatives Morris, Pace, Oxford, Walton Gray, Colona, Newman, Brown (50), Webb and Atkins, relating to the reporting of the number of students enrolled in schools.

**HB 2068**, introduced by Representatives Morris, Jones (63), Walton Gray, Oxford, Brown (50), Webb, Nasheed, Atkins and Pace, relating to deposits required by public utilities.

**HB 2069**, introduced by Representatives Morris, Nasheed, Roorda, Brown (50), Webb, Atkins and Pace, relating to vacant property registration fees.

**HB 2070**, introduced by Representative Kelly, relating to taxes for joint central fire and emergency dispatching services.

**HB 2071**, introduced by Representatives Hummel, Carter and Colona, relating to interest on delinquent taxes.

**HB 2072**, introduced by Representatives Ervin, Koenig, Flook, Cox, Bivins, Schaaf, Emery and Sutherland, relating to health care quality and cost efficiency.

**HB 2073**, introduced by Representatives Faith, Denison, Riddle, Kirkton, McDonald and Dougherty, relating to transportation development districts.

**HB 2074**, introduced by Representatives Munzlinger, Pratt, Funderburk, Zerr, Fisher (125), Wright, Riddle, Smith (150) and Gatschenberger, relating to the national hunting and fishing day sales tax holiday.

**HB 2075**, introduced by Representatives Webber, Hummel and Kander, relating to military leave for public employees.

**HB 2076**, introduced by Representatives Parson, Fisher (125), Smith (14), Grisamore, Scharnhorst, Funderburk, Guernsey, Jones (89), Day, Munzlinger, Jones (117), Guest and Leara, relating to concealed carry endorsements.

The following members' presence was noted: Burnett, Calloway, Carter, Cooper and Wallace.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, February 9, 2010.

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Tuesday, February 9, 2010, 1:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: SCS SCR 35 & 32

### AGRICULTURE POLICY

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1825, HJR 86

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 4.

Departments of Agriculture and Natural Resources.

### APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 4.

Departmental of Natural Resources and Department of Agriculture. AMENDED

### APPROPRIATIONS - EDUCATION

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 1.

Mark up sheets presentation for Department of Elementary and Secondary Education.

Mark up sheets presentation for Department of Higher Education.

### APPROPRIATIONS - EDUCATION

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 1.

Mark up presentation for the Department of Elementary and Secondary Education.

Mark up presentation for the Department of Higher Education.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 9, 2010, Hearing Room 3 upon morning adjournment.

Budget overview presentation: Office of Administration/Leasing.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 10, 2010, Hearing Room 3 upon morning adjournment.

Budget overview presentation: Department of Revenue, Tax Commission, Lottery and General Assembly.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 9, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 3.

Department of Transportation budget presentation.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 10, 2010, 9:00 a.m. Hearing Room 4.

Public hearing to be held on: HB 1858

Executive session will be held on: HJR 76

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 5.

Executive session will be held prior to public hearing.

Public hearing to be held on: HB 1644

Executive session will be held on: HB 1494, HB 1707

ELECTIONS

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1966, HJR 64

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1628, HB 1803, HB 1831, HCR 13

FISCAL REVIEW

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HCS HB 1377

FISCAL REVIEW

Thursday, February 11, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, February 10, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 1918, HB 1270

HEALTHCARE TRANSFORMATION

Tuesday, February 9, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1548

HIGHER EDUCATION

Tuesday, February 9, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1473

JOINT COMMITTEE ON TAX POLICY

Tuesday, February 9, 2010, 8:30 a.m. Pershing Gallery Conference Room.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021(3) relating to personnel matters, a vote will be taken to hold a closed meeting to discuss personnel issues.

AMENDED

LOCAL GOVERNMENT

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held. CORRECTED

Public hearing to be held on: HB 1567, HB 1568, HB 1589, HB 1806

PUBLIC SAFETY

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1205, HB 1242, HB 1472

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 1.

Executive session will follow.

Public hearing to be held on: HB 1365, HB 1546

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, February 9, 2010, 5:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1662

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 9, 2010, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1446, HJR 45, HJR 69, HJR 70, HJR 72

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 4.

Public hearing to be held on: HB 1639, HB 1648, HB 1824, HB 1832

#### **TOURISM**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1336, HB 1271

#### **TRANSPORTATION**

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 7. AMENDED

Public hearing to be held on: HB 1258, HB 1310, HB 1330, HB 1775,  
HB 1776, HB 1668, HB 1941

#### **UTILITIES**

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1610

Executive session will be held on: HB 1750

#### **VETERANS**

Tuesday, February 9, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1208, HB 1745, HB 1893

### **HOUSE CALENDAR**

NINETEENTH DAY, TUESDAY, FEBRUARY 9, 2010

#### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 93 and HJR 94

#### **HOUSE BILLS FOR SECOND READING**

HB 2054 through HB 2076

#### **HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HBs 1311 & 1341 - Scharnhorst
- 3 HCS HB 1497 - Smith (150)
- 4 HCS HB 1540 - Lipke

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCRs 34 & 35, (1-27-10, Page 167) - Icet



**HOUSE BILLS FOR THIRD READING**

HCS HB 1377, (Fiscal Review 2-8-10) - Brandom

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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NINETEENTH DAY, TUESDAY, FEBRUARY 9, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

*Ice and snow, bless the Lord;  
Praise and exalt him above all forever.  
(Daniel 3:70)*

Almighty God, the cold, winter weather clarifies for us once again that there are many things we cannot control, of which we are not in charge. May the laws of nature, unfolding before us, lead us to bow in humility before You, the Lord and Creator of all things.

We pray for all those who have already worked long hours this day, making the highways and streets safe for us and for all the people. We pray for those who will suffer in the cold today because of poverty or inability to manage their lives. May Your Holy Spirit send Good Samaritans to relieve their suffering and to help them grow to become more self-sufficient.

May this same Holy Spirit strengthen us in our work today, so that the very integrity of our work gives You honor and glory.

We humbly pray to You, our Lord and God forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighteenth day was approved as printed by the following vote:

AYES: 150

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Iceet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McGhee	McNary

McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 002

Burnett	Talboy
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PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper	Corcoran	Holsman	Hughes	Jones 89
McDonald	Quinn			

VACANCIES: 004

## HOUSE RESOLUTION

Representative Jones (117) offered House Resolution No. 628.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 558 through House Resolution No. 627

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 93** and **HJR 94** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2054** through **HB 2076** were read the second time.

## THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCS HCRs 34 & 35**, relating to a balanced budget amendment, was taken up by Representative Icet.

Representative Icet offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Concurrent Resolution Nos. 34 & 35, House Journal Page 167, Twelfth Day, January 27, 2010, Line 25 of said page, by inserting after the word “ratification.” the following:

“5. This resolution shall not be construed as an application for a constitutional convention to the United States Constitution pursuant to Article V thereof.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Icet, **House Amendment No. 1** was adopted.

On motion of Representative Icet, **HCS HCRs 34 & 35, as amended**, was adopted by the following vote:

AYES: 127

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Cooper	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	Liese	Lipke	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Wasson	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 027

Brown 50	Burnett	Colona	Curls	Hoskins 80
Hummel	Jones 63	Kirkton	Kuessner	LeBlanc
LeVota	Low	Morris	Nasheed	Newman
Oxford	Pace	Schupp	Spreng	Still
Talboy	Vogt	Walsh	Walton Gray	Webb
Yaeger	Zimmerman			

PRESENT: 001

Roorda

ABSENT WITH LEAVE: 004

Hughes                      Loehner                      Quinn                      Self

VACANCIES: 004

On motion of Representative Icet, **HCS HCRs 34 & 35, as amended**, was read the third time and passed by the following vote:

AYES: 121

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Carter	Casey	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Lair
Lampe	Largent	Leara	Lipke	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Wallace	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 028

Burnett	Chappelle-Nadal	Colona	Curls	Hoskins 80
Hummel	Jones 63	Kirkton	Kuessner	LeBlanc
LeVota	Liese	Low	Morris	Nasheed
Newman	Oxford	Pace	Schupp	Spreng
Still	Talboy	Vogt	Walsh	Walton Gray
Webb	Yaeger	Zimmerman		

PRESENT: 002

Calloway                      Roorda

ABSENT WITH LEAVE: 008

Brown 50	Cooper	Dixon	Hughes	Loehner
Quinn	Self	Viebrock		

VACANCIES: 004

Speaker Richard declared the bill passed.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1375** - Health Care Policy

**HB 1601** - Special Standing Committee on Urban Issues

### RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

**HB 1518** - Special Standing Committee on Governmental Accountability and Ethics Reform

### COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SCR 35 & 32**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1208**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1745**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 54**, introduced by Representative Talboy, relating to the ratification of the Equal Rights Amendment to the United States Constitution.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2077**, introduced by Representative Dethrow, relating to employee rights.

**HB 2078**, introduced by Representatives Skaggs, Bringer, Harris and Oxford, relating to state buildings.

**HB 2079**, introduced by Representatives Low, Newman, Walton Gray, Jones (63), Morris and Pace, relating to paid sick days.

**HB 2080**, introduced by Representatives Kelly, Cooper, Ruestman, Oxford, Englund, Nasheed, McNeil, Stevenson, Jones (63), Corcoran, Webber and Lampe, relating to distribution of information on human papillomavirus immunization.

**HB 2081**, introduced by Representatives Riddle, Zerr, Keeney, Allen, Sander, Brown (149), Faith, Munzlinger, Wallace, Guernsey, Largent, Jones (117), Jones (89), Parson, Tilley, Brandom, Ruestman, Pratt and Tracy, relating to the use of force by a pregnant woman to defend her unborn child.

**HB 2082**, introduced by Representatives Fischer (107), Brown (50) and Harris, relating to an offender making a false report against an employee of the department of corrections.

**HB 2083**, introduced by Representative Grill, relating to acknowledgments of paternity.

**HB 2084**, introduced by Representatives Englund, Holsman, Carter, Yaeger, LeBlanc, Kuessner, Shively, McClanahan, Schupp, Deeken, McNary, Stevenson, Molendorp, Allen, Hummel, Talboy, Oxford, Fallert, Meadows, Lampe, Storch, Schoemehl, Kelly and Schieffer, relating to the sale of toxic flame-retardant products.

**HB 2085**, introduced by Representatives Riddle and Munzlinger, relating to sales taxes on firearms and ammunition.

**HB 2086**, introduced by Representative Ruzicka, relating to battery fees.

**HB 2087**, introduced by Representatives Brown (149), Diehl, Gatschenberger, Wright, Franz, Lair, Largent and Flanigan, relating to special event motor vehicle auction licenses.

**HB 2088**, introduced by Representatives Frame, Hughes, Hodges, Shively, Casey, Harris, Fischer (107), Scavuzzo, Kelly, Meadows and Komo, relating to concealed carry endorsements.

**HB 2089**, introduced by Representatives Frame, Hughes, Hodges, Shively, Casey, Harris, Fischer (107), Scavuzzo, Kelly, Meadows, Komo, Atkins and Schieffer, relating to concealed carry endorsements.

**HB 2090**, introduced by Representatives Frame, Hughes, Hodges, Shively, Casey, Roorda, Harris, Fischer (107), Scavuzzo, Komo and Schieffer, relating to eminent domain.

**HB 2091**, introduced by Representatives Frame, Skaggs, Hughes, Hodges, Shively, Casey, Roorda, Harris, Fischer (107), Fallert, Komo and Schieffer, relating to property taxation.

**HB 2092**, introduced by Representatives Frame, Casey, Atkins, Webb, Meadows, Fallert and Komo, relating to a sales tax holiday.

**HB 2093**, introduced by Representatives Frame, Kander, Casey, Atkins, Webb, Scavuzzo, Meadows, Fallert, Roorda and Komo, relating to a tax credit for military-related employees.

**HB 2094**, introduced by Representative Talboy, relating to the designation of Cesar E. Chavez day.

**HB 2095**, introduced by Representative Emery, relating to the public service commission.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 36**.

#### SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the federal public debt has surpassed twelve trillion dollars, which equates to tens of thousands of dollars for each person in the United States; and

WHEREAS, the Emergency Economic Stabilization Act of 2008, commonly known as the "bailout plan" authorized the United States Treasury to spend up to seven hundred billion dollars with little or no transparency or accountability regarding the use of taxpayers' money; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is creating an extraordinary financial burden to be carried by future generations of this country; and

WHEREAS, the federal government's seemingly unlimited borrowing of money raises questions about the fundamental principles and responsibilities of government, with potentially profound consequences for this nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to adopt a balanced budget amendment to the United States Constitution that requires a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual federal budget; and



BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 37**.

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, recently in the Senate version of the Patient Protection and Affordable Care Act (HR 3590), a special deal was reportedly made by Nebraska Senator Ben Nelson whereby the state of Nebraska is permanently exempted from bearing the costs of newly eligible Nebraska Medicaid enrollees; and

WHEREAS, such exemption has not been afforded to Missouri or any of the other 48 states; and

WHEREAS, all other states except Nebraska will be required to allocate substantial sums to accommodate the federal health care bill's new Medicaid mandates; and

WHEREAS, it has also been reported that Senator Nelson's vote for passage of the bill was secured only after the deal was made; and

WHEREAS, this "Nebraska Compromise" strikes a blow to the nation's collective confidence in elected officials in Washington, D.C. and violates basic notions of fundamental fairness:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call on Missouri Attorney General Chris Koster to join the 13 other state attorneys general from across the nation in challenging the special deal; and

BE IT FURTHER RESOLVED that Attorney General Koster thoroughly and immediately review the constitutionality and legality of this suspect provision in HR 3590 and stand up for Missouri taxpayers; and

BE IT FURTHER RESOLVED that, in order to ensure that the dollars of Missouri taxpayers are wisely spent, and in order to ensure that the Attorney General's resources are properly used on criminal prosecutions, enforcement of undocumented worker laws, protection of Missouri consumers, protection of Missouri's natural resources, and other vital duties, the General Assembly urges Attorney General Koster to refrain from any litigation regarding the constitutionality and legality of HR 3590 until such time as HR 3590 actually becomes law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Attorney General Koster, the Governor, and each member of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, February 10, 2010.

**COMMITTEE MEETINGS**

**AGRICULTURE POLICY**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 6.  
Public hearing to be held on: HB 1825, HJR 86

**APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 4.  
Department of Natural Resources and Department of Agriculture. AMENDED

**APPROPRIATIONS - EDUCATION**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 1.  
Mark up presentation for the Department of Elementary and Secondary Education.  
Mark up presentation for the Department of Higher Education.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 10, 2010, Hearing Room 3 upon morning adjournment.  
Budget overview presentation: Department of Revenue, Tax Commission,  
Lottery and General Assembly.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 10, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Thursday, February 11, 2010, Hearing Room 7 upon adjournment.  
Budget discussion.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 10, 2010, 9:00 a.m. Hearing Room 4.

Public hearing to be held on: HB 1858

Executive session will be held on: HJR 76

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 5.

Executive session will be held prior to public hearing.

Public hearing to be held on: HB 1644

Executive session will be held on: HB 1494, HB 1707

CRIME PREVENTION

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow. Hearing continued on HB 1695.

Public hearings to be held on: HB 1695

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1628, HB 1803, HB 1831, HCR 13

FISCAL REVIEW

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HCS HB 1377

FISCAL REVIEW

Thursday, February 11, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, February 10, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1270, HB 1918, HB 1375

INSURANCE POLICY

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1657, HB 1713, HB 1382

INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 7.

Public hearing to be held on: HB 1231

JUDICIARY

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1209, HB 1405, HB 1406

LOCAL GOVERNMENT

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held. CORRECTED

Public hearing to be held on: HB 1567, HB 1568, HB 1589, HB 1806

SENIOR CITIZEN ADVOCACY

Wednesday, February 10, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1631, HB 1521, HB 1302

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 10, 2010, 8:00 a.m. Hearing Room 1.

Executive session will follow.

Public hearing to be held on: HB 1365, HB 1546

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 1.

Working session.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 10, 2010, 12:00 p.m. Hearing Room 4.

Public hearing to be held on: HB 1639, HB 1648, HB 1824, HB 1832

TOURISM

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1336, HB 1271

WAYS AND MEANS

Thursday, February 11, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1290, HB 1486

**HOUSE CALENDAR**

TWENTIETH DAY, WEDNESDAY, FEBRUARY 10, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 54 - Talboy

**HOUSE BILLS FOR SECOND READING**

HB 2077 through HB 2095

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HBs 1311 & 1341 - Scharnhorst
- 3 HCS HB 1497 - Smith (150)
- 4 HCS HB 1540 - Lipke

**HOUSE BILLS FOR THIRD READING**

HCS HB 1377, (Fiscal Review 2-8-10) - Brandom

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTIETH DAY, WEDNESDAY, FEBRUARY 10, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

You, O LORD, are a shield around us; our glory, the One who holds our head high. We lay down and slept, yet we woke up in safety, for You, LORD watched over us. For that we are thankful.

O God, You have given us great responsibility and authority over others. Help us always to act fairly and justly, and to justice, help us always to add mercy and compassion.

Help us to remember that people are always more important than things, and that they are always more important than our own personal interests. Help us in the wise use of our authority and keep us from either being afraid to exercise it or from exceeding what was given.

Help us to be a model of efficiency and integrity for staff and constituents. May we remember that, although we have authority granted us, we, too, are under authority.

Now may our God and Father, who has loved us and given us everlasting consolation and good hope by grace, comfort your hearts and establish you in every good word and work.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Chris Siler, Bailey Beussink, Drew Beussink, Paige Beussink and Addison Beussink.

The Journal of the nineteenth day was approved as printed by the following vote:

AYES: 140

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Calloway	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Hummel	Iceet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kingery	Kirkton

Koenig	Komo	Kratky	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McDonald
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Swinger
Thomson	Tilley	Todd	Tracy	Vogt
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 002

Burnett	Talboy
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PRESENT: 000

ABSENT WITH LEAVE: 017

Burlison	Carter	Casey	Frame	Holsman
Hughes	Kelly	Kraus	McClanahan	McGhee
McNary	Pollock	Schoeller	Self	Sutherland
Viebrock	Wallace			

VACANCIES: 004

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 629 through House Resolution No. 688

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 54** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2077** through **HB 2095** were read the second time.

## PERFECTION OF HOUSE BILLS

**HCS HB 1540**, relating to infractions, was taken up by Representative Lipke.

On motion of Representative Lipke, **HCS HB 1540** was adopted by the following vote:

AYES: 148

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 006

Burnett	Low	Spreng	Vogt	Walton Gray
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 005

Calloway	Hughes	Jones 117	Liese	Self
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VACANCIES: 004



On motion of Representative Lipke, **HCS HB 1540** was ordered perfected and printed by the following vote:

AYES: 141

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Nance
Nasheed	Newman	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Wallace	Walsh	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 006

Burnett	Low	Spreng	Vogt	Walton Gray
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Denison	Diehl	Hoskins 80	Hughes
Liese	Munzlinger	Nolte	Quinn	Schlottach
Self	Viebrock			

VACANCIES: 004

**HCS HB 1497**, relating to vacancies in statewide offices, was taken up by Representative Smith (150).

Representative Lampe offered **House Amendment No. 1**.

Representative Jones (89) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Bringer offered **House Amendment No. 2**.

Representative Silvey raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Low offered **House Amendment No. 3**.

Representative Silvey raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Smith (150), **HCS HB 1497** was adopted.

On motion of Representative Smith (150), **HCS HB 1497** was ordered perfected and printed by the following vote:

AYES: 088

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kraus
Lair	Largent	Leara	LeVota	Loehner
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Scharnhorst	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 059

Atkins	Aull	Bringer	Brown 50	Burnett
Carter	Casey	Colona	Corcoran	Curts
Englund	Fallert	Fischer 107	Grill	Harris
Hodges	Hummel	Jones 63	Kander	Kelly
Kirkton	Kratky	Kuessner	Lampe	LeBlanc

Liese	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Chappelle-Nadal	Holsman	Hoskins 80	Hughes
Lipke	Low	McGhee	Schad	Schlottach
Stream	Vogt			

VACANCIES: 004

## REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 52** - Tourism

**HCR 53** - Tourism

## REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 51** - Special Standing Committee on Workforce Development and Workplace Safety

**HJR 56** - Ways and Means

**HJR 78** - Special Standing Committee on General Laws

**HJR 87** - Budget

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS HB 1497** - Fiscal Review (Fiscal Note)

**HB 1230** - Agri-Business

**HB 1238** - Special Standing Committee on Children and Families

**HB 1247** - Healthcare Transformation

**HB 1266** - Special Standing Committee on Workforce Development and Workplace Safety

**HB 1327** - Special Standing Committee on Children and Families

**HB 1506** - Agri-Business

**HB 1515** - Agri-Business

**HB 1519** - Special Standing Committee on Urban Issues

**HB 1595** - Local Government

**HB 1607** - Judiciary

**HB 1609** - Judiciary

**HB 1666** - Crime Prevention  
**HB 1674** - Crime Prevention  
**HB 1680** - Local Government  
**HB 1716** - Financial Institutions  
**HB 1725** - Special Standing Committee on Children and Families  
**HB 1742** - Crime Prevention  
**HB 1743** - Crime Prevention  
**HB 1759** - Local Government  
**HB 1764** - Insurance Policy  
**HB 1802** - Agri-Business  
**HB 1822** - Health Care Policy  
**HB 1840** - Agri-Business  
**HB 1841** - Insurance Policy  
**HB 1842** - Special Standing Committee on General Laws  
**HB 1903** - Budget  
**HB 1904** - Insurance Policy  
**HB 1905** - Elementary and Secondary Education  
**HB 1912** - Special Standing Committee on General Laws  
**HB 1943** - Veterans  
**HB 1945** - Special Standing Committee on Emerging Issues in Animal Agriculture  
**HB 1963** - Special Standing Committee on Urban Issues  
**HB 1997** - Special Standing Committee on Professional Registration and Licensing  
**HB 2000** - Special Standing Committee on Children and Families  
**HB 2059** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2076** - Agri-Business  
**HB 2081** - Special Standing Committee on General Laws

### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1377** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Conservation and Natural Resources**, Chairman Ruzicka reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HJR 76**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was returned **HCS HB 1543**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1741**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were read the first time and copies ordered printed:

**HB 2001**, introduced by Representative Icet, to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2002**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2003**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2004**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2005**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2006**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2007**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2008**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2009**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2010**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2011**, introduced by Representative Icet, to appropriate To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2012**, introduced by Representative Icet, to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other

necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

**HB 2013**, introduced by Representative Icet, to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2096**, introduced by Representative Bruns, relating to the sheriffs' retirement system.

**HB 2097**, introduced by Representative Dixon, relating to billboards.

**HB 2098**, introduced by Representatives Brown (30) and Talboy, relating to the procurement of risk coverage local government pools.

**HB 2099**, introduced by Representatives Wilson (119), Wallace, Schad, Pollock, Wells, Franz, Hobbs, Munzlinger and Weter, relating to delinquent taxes.

**HB 2100**, introduced by Representative Franz, relating to the county employees' retirement system.

**HB 2101**, introduced by Representatives Brown (50), Fischer (107), Calloway, Hoskins (80), Webb, Pace, Walton Gray, Chappelle-Nadal, Rucker, Atkins, Casey, Curls, Meiners, Jones (63), Morris, Kander, Grill, Carter, LeBlanc, Biermann, Talboy, Molendorp, Stream, Franz, Deeken, Scavuzzo, Oxford, Yaeger, Spreng, Nance, Aull and Burlison, relating to the land assemblage tax credit program.

**HB 2102**, introduced by Representatives Munzlinger, Viebrock, Jones (117), Guernsey and Fisher (125), relating to animal care and facilities licensure and regulation.

**HB 2103**, introduced by Representative Ervin, relating to the small business regulatory fairness board.

**HB 2104**, introduced by Representative Ervin, relating to small businesses for technological development.

**HB 2105**, introduced by Representatives Curls, McClanahan, Kirkton, Frame, Atkins, Morris, Carter and Jones (63), relating to mental health services.

**HB 2106**, introduced by Representative Flook, relating to the admissibility of medical treatment evidence.

**HB 2107**, introduced by Representatives Flook, Wasson, Pratt, Weter, Munzlinger, Wright, Grisamore, Grill, Kraus and McGhee, relating to municipal technology business facility projects.

**HB 2108**, introduced by Representative Walsh, relating to penalties for delinquent taxes.

**HB 2109**, introduced by Representative Ruzicka, relating to the Missouri clean water law.

**HB 2110**, introduced by Representative Pratt, relating to a combat action badge license plate.

**HB 2111**, introduced by Representatives Faith, Denison and Schlottach, relating to the Missouri State Transit Assistance Program.

**HB 2112**, introduced by Representatives Koenig and Smith (150), relating to retirement benefits.

**HB 2113**, introduced by Representatives Koenig, McNary, Gatschenberger, Burlison, Emery, Schlottach, Parkinson, Franz, Stream, Scharnhorst, Funderburk, McGhee, Allen, Zerr and Bivins, relating to public retirement systems.

**HB 2114**, introduced by Representatives Hoskins (121), Day, Pratt, Guernsey, Nasheed, Fisher (125), Funderburk and Largent, relating to prisoner of war and missing in action designations.

**HB 2115**, introduced by Representatives Hobbs, Munzlinger, Schad, Funderburk, Nance and Atkins, relating to identifiable information in registries maintained by public governmental bodies to assist certain individuals in case of a disaster or emergency.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, February 11, 2010.



## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 6.  
Public hearing to be held on: HB 1825, HJR 86

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 16, 2010, 9:00 a.m. House Chamber south gallery.  
Executive session.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

### APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5.  
Departmental FY 2011 budget presentation.  
Executive session may follow.

### APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 6.  
Executive session may follow.

### APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, February 11, 2010, Hearing Room 7 upon morning adjournment.  
Budget discussion. CANCELLED

### ENERGY AND ENVIRONMENT

Tuesday, February 16, 2010, 8:30 a.m. Hearing Room 1.  
Possible Executive session.  
Public hearing to be held on: HB 1402, HCR 46

### FISCAL REVIEW

Thursday, February 11, 2010, 8:00 a.m. House Chamber south gallery.  
All bills referred to committee. Executive session may follow. CANCELLED

**RULES - PURSUANT TO RULE 25(32)(f)**

Thursday, February 11, 2010, Hearing Room 6 upon morning adjournment.

Public hearing to be held on: HCS HJR 48, 50 & 57, HB 1208, HB 1559,

HCS HB 1684, HCS HB 1675, HB 1745, SCS SCR 35 & 32

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 1.

Working session.

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, February 15, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1987, HB 2059

**TOURISM**

Thursday, February 11, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1336, HB 1271

**UTILITIES**

Thursday, February 11, 2010, Hearing Room 5 upon morning adjournment. CORRECTED

Executive session will be held on: HB 1750

**WAYS AND MEANS**

Thursday, February 11, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1290, HB 1486

**HOUSE CALENDAR**

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 11, 2010

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 2001 through HB 2013

**HOUSE BILLS FOR SECOND READING**

HB 2096 through HB 2115

**HOUSE BILLS FOR PERFECTION**

1 HB 1542 - Deeken

2 HCS HBs 1311 & 1341 - Scharnhorst

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1377 - Brandom
- 2 HCS HB 1540, E.C. - Lipke
- 3 HCS HB 1497, (Fiscal Review 2-10-10) - Smith (150)

**HOUSE CONCURRENT RESOLUTIONS**

HCR 38, (1-27-10, Page 168) - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-FIRST DAY, THURSDAY, FEBRUARY 11, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

*(Tomorrow is Abraham Lincoln's birthday. A prayer attributed to him will be our prayer this morning.)*

God bless our native land;  
Firm may she ever stand  
Through storm and night;  
When the wild tempests rave,  
O Ruler of wind and wave,  
Thou who art strong to save,  
Be Thou her might!

For her our prayer shall be,  
Our father's God, to Thee,  
On Whom we wait;  
Be her walls, holiness -  
Her rulers righteousness,  
In all her homes be peace,  
God save the State!

Not for this land alone,  
But be God's mercies shown  
From shore to shore  
And may the nations see  
That men should brothers be,  
And form one family  
The wide-world o'er.

(Amen)

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Katie Barr, David Barr, Grace White, Charlie Hutchinson and Laurel Hutchinson.

The Journal of the twentieth day was approved as corrected.

## COMMUNICATION FROM THE SECRETARY OF STATE

TO THE CHIEF CLERK OF THE MISSOURI HOUSE

Adam Crumbliss  
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 62<sup>nd</sup> Legislative District in the State of Missouri, on the 2<sup>nd</sup> day of February, 2010, as provided by law, the following named person was elected to the office of State Representative, 62<sup>nd</sup> Legislative District as shown by the election results certified to this office by the election authorities of the 62<sup>nd</sup> Legislative District.

**Name**

**Office**

Nita Jane Ayres  
1016 Tunnel Drive  
Branson West, MO 65737

State Representative  
62<sup>nd</sup> Legislative District

IN WITNESS WHEREOF, I have hereunto  
set my hand affixed the seal of my office this  
10<sup>th</sup> day of February, 2010.

/s/ Robin Carnahan  
Secretary of State

## OATH OF OFFICE

Representative-elect Nita Jane Ayres advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Ron Richard, Speaker of the Missouri House of Representatives.

## SPECIAL RECOGNITION

Major Randall Polsley, Midland General Secretary; Major Kendall Mathews, Columbia/Jefferson City City Regional Coordinator; Captain Mary Poff, Joplin Corps Officer and Major James McDowell, Kansas & Western Missouri Secretary Administrator were introduced by Speaker Richard and recognized for their service as Salvation Army Regional Directors.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 689 through House Resolution No. 722

## HOUSE CONCURRENT RESOLUTIONS

Representative Low, et al., offered House Concurrent Resolution No. 55 and  
House Concurrent Resolution No. 57.

Representative Oxford, et al., offered House Concurrent Resolution No. 58.

Representative Brown (149), et al., offered House Concurrent Resolution No. 59 and  
House Concurrent Resolution No. 60.

## SECOND READING OF HOUSE BILLS - APPROPRIATIONS

**HB 2001** through **HB 2013** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2096** through **HB 2115** were read the second time.

Speaker Pro Tem Pratt assumed the Chair.

## THIRD READING OF HOUSE BILLS

**HCS HB 1540**, relating to infractions, was taken up by Representative Lipke.

On motion of Representative Lipke, **HCS HB 1540** was read the third time and passed by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 004

Burnett	Low	Walton Gray	Yaeger
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PRESENT: 000

ABSENT WITH LEAVE: 005

Calloway	Hughes	LeVota	Self	Stevenson
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VACANCIES: 003

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Zimmerman	Mr Speaker	

NOES: 008

Burnett	Low	Schad	Spreng	Talboy
Vogt	Walton Gray	Yaeger		

PRESENT: 000

ABSENT WITH LEAVE: 003

Calloway Hughes LeVota

VACANCIES: 003

**HCS HB 1377**, relating to drug testing, was taken up by Representative Brandom.

Representative Salva moved that **HCS HB 1377** be recommitted to committee.

Which motion was defeated by the following vote:

AYES: 063

Atkins	Aull	Bringer	Brown 50	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Curls	Fallert	Fischer 107	Grill	Harris
Holsman	Hoskins 80	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Witte	Yaeger	Zimmerman		

NOES: 091

Allen	Ayres	Biermann	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hodges	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

PRESENT: 000



ABSENT WITH LEAVE: 006

Bivins	Calloway	Hughes	LeVota	McGhee
Sater				

VACANCIES: 003

On motion of Representative Brandom, **HCS HB 1377** was read the third time and passed by the following vote:

AYES: 115

Allen	Aull	Ayres	Biermann	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Cooper	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kratky
Kraus	Lair	Lampe	Largent	Leara
Lipke	Loehner	McClanahan	McNary	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 039

Atkins	Brown 50	Burnett	Carter	Chappelle-Nadal
Colona	Curls	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Kuessner
LeBlanc	Liese	Low	McDonald	McNeil
Morris	Nasheed	Newman	Oxford	Pace
Roorda	Schupp	Skaggs	Spreng	Still
Storch	Talboy	Vogt	Walsh	Walton Gray
Webb	Webber	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Bivins	Calloway	Hughes	LeVota	McGhee
Sater				

VACANCIES: 003

Speaker Pro Tem Pratt declared the bill passed.

### HOUSE CONCURRENT RESOLUTION

**HCR 38**, relating to unfunded mandates, was taken up by Representative Icet.

Representative Roorda offered **House Amendment No. 1**.

Representative Jones (89) raised a point of order that **House Amendment No. 1** goes beyond the scope of the resolution and is dilatory.

The Chair ruled the point of order well taken.

On motion of Representative Icet, **HCR 38** was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Carter	Casey	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 016

Brown 50	Burnett	Chappelle-Nadal	Colona	Hoskins 80
Hummel	LeBlanc	Low	Morris	Oxford
Pace	Skaggs	Still	Vogt	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway	Hughes	Jones 63	LeVota	McGhee
Sater				

VACANCIES: 003

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1488** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1541** - Elections  
**HB 1650** - Health Care Policy  
**HB 1667** - Energy and Environment  
**HB 1892** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1898** - Health Care Policy  
**HB 2001** - Budget  
**HB 2002** - Budget  
**HB 2003** - Budget  
**HB 2004** - Budget  
**HB 2005** - Budget  
**HB 2006** - Budget  
**HB 2007** - Budget  
**HB 2008** - Budget  
**HB 2009** - Budget  
**HB 2010** - Budget  
**HB 2011** - Budget  
**HB 2012** - Budget  
**HB 2013** - Budget  
**HB 2048** - Ways and Means

## COMMITTEE REPORTS

**Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 1750**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 48, 50 & 57**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1208**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1559**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1675**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1684**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1745**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SCR 35 & 32**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 56**, introduced by Representatives Low, Atkins, Newman, Corcoran, Walton Gray, Oxford, Pace, Skaggs, Burnett, Talboy, Jones (63), McNeil, Kirkton, Hummel, Aull, Holsman, Webber, McDonald, Chappelle-Nadal, Lampe, Englund, Schupp and Curls, relating to the Missouri child poverty council.

**INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 95**, introduced by Representatives McNary, Scharnhorst, Koenig, Allen, Dusenberger, Fisher (125), McGhee, Smith (14), Deeken, Guernsey, Franz, Jones (117), Schlottach, Icet, Hoskins (80), Kraus, Lair, Kingery, Bandom, Wright, Cunningham, Ruestman, Nance, Sutherland, Cox, Dethrow, Silvey, Wallace, Schoeller, Brown (149), Largent, Ruzicka, Wilson (119), Denison, Schad, Bivins, Pollock, Davis, Nieves, Wasson, Hobbs, Funderburk, Meiners, Nasheed, Grill, Carter, McDonald and LeBlanc, relating to the repeal of expired sections.

**HJR 96**, introduced by Representatives Kander, Jones (89), Talboy, Carter, Colona, Vogt, Storch, Calloway, Kelly, Grill and Flook, relating to the citizens' commission on compensation.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2116**, introduced by Representatives Still, Atkins, Aull, Biermann, Bringer, Burnett, Calloway, Carter, Liese, Frame, Corcoran, Colona, Englund, Curls, Fischer (107), Harris, Hodges, Grill, Chappelle-Nadal, Brown (50), Holsman, Hughes, Jones (63), Kander, Kelly, Kirkton, Kratky, Kuessner, Lampe, LeVota, Low, McClanahan, McDonald, McNeil, Meadows, Meiners, Morris, Oxford, Nasheed, Norr, Pace, Quinn, Scavuzzo, Newman, Hoskins (80), Schieffer, Schoemehl, Schupp, Shively, Skaggs, Spreng, Storch, Todd, Walsh, Walton Gray, Webber, Witte, Yaeger, Zimmerman, Fallert, Casey, LeBlanc, Roorda, Salva, Komo, Rucker, Hummel, Vogt and Talboy, relating to payday loans.

**HB 2117**, introduced by Representative Stevenson, relating to disturbing a worship service.

**HB 2118**, introduced by Representative Schoeller, relating to chiropractic services.

**HB 2119**, introduced by Representatives Nance, Kuessner, Sater, Grisamore, Aull, Sutherland and Day, relating to forestry management.

**HB 2120**, introduced by Representatives Walsh, Schoemehl, Jones (89) and Roorda, relating to storm water management.

**HB 2121**, introduced by Representative Stevenson, relating to the child abuse and neglect registry.

**HB 2122**, introduced by Representatives Dougherty, Salva, LeVota, McDonald and Curls, relating to the Missouri local government employees' retirement system.

**HB 2123**, introduced by Representatives Cooper, Sater, Wasson, Schaaf, Weter, Grisamore, Zerr, Kirkton, McClanahan and Jones (63), relating to MO HealthNet dental benefits.

**HB 2124**, introduced by Representatives Schoemehl, Dougherty, Tilley, Ruestman, Walsh, Faith, Harris, Munzlinger, Hodges, Kingery, Walton Gray, Zerr, Meiners, Spreng, Kratky, Fallert, Hummel and Jones (63), relating to the regulation and licensing of the practice of naturopathic medicine.

**HB 2125**, introduced by Representative Davis, relating to blighted areas.

**HB 2126**, introduced by Representatives Kander, Webber, Talboy, Stevenson, Hummel, Colona and Carter, relating to proof of identity.

**HB 2127**, introduced by Representatives Kander, Stevenson, Talboy, Webber, Hummel, Colona, Carter and Roorda, relating to orders of protection.

**HB 2128**, introduced by Representatives Roorda, Bruns, Meadows, Gatschenberger, Cox, Colona, Rucker, Liese, Fischer (107), Kander, Harris, Aull, Jones (117) and Atkins, relating to unlawful use of weapons.

**HB 2129**, introduced by Representatives Cooper, Dougherty, McDonald, Roorda, LeVota, Cunningham and Bivins, relating to a debt setoff for unpaid healthcare expenses.

**HB 2130**, introduced by Representatives Parkinson, Corcoran, Funderburk, Smith (14), Pratt, Sutherland, Zerr, Munzlinger, Smith (150) and Dieckhaus, relating to the annual sportsman sales tax holiday.

**HB 2131**, introduced by Representatives Parkinson, Icet, Funderburk, Tilley, Denison and Diehl, relating to the Nixon-Obama let's gamble on Missouri's future fund.

**HB 2132**, introduced by Representatives Wells, Bruns, Smith (14), McGhee, Faith, Funderburk, Denison, Kelly, Deeken, Wilson (130), Norr and Hodges, relating to fire sprinkler contractor regulation.

**HB 2133**, introduced by Representatives Wells, Dougherty, Schoemehl, Day, Yaeger, Wasson, Spreng and Norr, relating to licensing boards for certain health care professionals.

**HB 2134**, introduced by Representatives Flook, Dieckhaus, McNary, Allen, Schad, Scharnhorst, Weter, Hoskins (80) and Diehl, relating to the public school retirement system of Missouri.

**HB 2135**, introduced by Representatives Webb, Tilley, Chappelle-Nadal, Englund, Morris, Jones (63), Newman, Atkins, Pace, Hoskins (80), McDonald, Kander, Rucker, Hodges, Casey, Quinn, Todd, Schupp, Kratky and Calloway, relating to student participation in interscholastic activities.

**HB 2136**, introduced by Representatives Loehner, Day, Wright, Wilson (119) and McGhee, relating to conservation easements.

**HB 2137**, introduced by Representatives Guest, McGhee, Schaaf, Day, Ruestman, Bivins, Nasheed, Corcoran, Lampe, LeBlanc, Funderburk and Rucker, relating to the work for restitution program.

**HB 2138**, introduced by Representatives Carter, Hummel, Holsman, Nasheed, Walton Gray, LeBlanc, Schieffer, Calloway, Komo, Talboy, Brown (50), Hoskins (80) and Colona, relating to green building tax credits.

**HB 2139**, introduced by Representatives Gatschenberger and Jones (89), relating to drivers license examinations.

**HB 2140**, introduced by Representatives Gatschenberger and Jones (89), relating to drivers license exam administration.

**HB 2141**, introduced by Representatives Gatschenberger and Jones (89), relating to drivers license examination fees.

**HB 2142**, introduced by Representatives Gatschenberger and Jones (89), relating to drivers license examination fees.

**HB 2143**, introduced by Representatives Gatschenberger and Jones (89), relating to drivers license qualifications.

**HB 2144**, introduced by Representatives Gatschenberger and Jones (89), relating to drivers license exam administration.

**HB 2145**, introduced by Representatives Gatschenberger, Koenig and Sander, relating to health insurance coverage for elective abortions.

**HB 2146**, introduced by Representatives Davis, Koenig and Ruestman, relating to a tax credit for certain educational expenses.

**HB 2147**, introduced by Representatives Brown (149), Day, Fisher (125), Lair, Franz, Riddle, Dieckhaus, Schoeller, Quinn, Todd, Brown (50), Komo, Atkins, Webber, Scharnhorst, Tracy, Guernsey, Wells, Jones (117), Funderburk, Munzlinger, Deeken, Grisamore, Largent, Zerr, Molendorp, Flanigan and Englund, relating to the A+ schools program.

**HB 2148**, introduced by Representatives Wilson (130), Funderburk, Denison, Sater, Grill, Molendorp, Wells, Weter, Colona and Fischer (107), relating to license plates.

**HB 2149**, introduced by Representatives Colona, Parkinson, Tilley, Nasheed, Kander, Hoskins (121), Hummel, Frame, Komo and Talboy, relating to a tax credit for service as a poll worker.

**HB 2150**, introduced by Representatives Largent, Munzlinger, Dusenberg, Parkinson, Leara and Smith (150), relating to firearms.

**HB 2151**, introduced by Representative Sater, relating to transportation management companies and contracts with state agencies.

**HB 2152**, introduced by Representatives Hobbs, Grisamore, Wilson (119), Cunningham, Denison, Kratky, Curls and Largent, relating to registration of real estate appraisal management companies.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 586 & 617**, entitled:

An act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 604**, entitled:

An act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

In which the concurrence of the House is respectfully requested.

### **COMMITTEE APPOINTMENT**

February 11, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Nita Jane Ayres as a member of the following Committees:

Tourism Committee  
Conservation and Natural Resources Committee  
Senior Citizen Advocacy Committee  
Transportation Committee  
Joint Committee on Wetlands

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, February 15, 2010.

### **CORRECTIONS TO THE HOUSE JOURNAL**

#### **AFFIDAVITS**

I, State Representative Al Liese, District 79, hereby state and affirm that my vote as recorded on Page 268 of the Journal of the House for Wednesday, February 10, 2010 that House Committee Substitute for House Bill No. 1540 was ordered perfected and printed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.



IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 11th day of February 2010.

/s/ Al Liese  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 11th day of February in the year 2010.

/s/ Leticia J. Long  
Notary Public

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I, State Representative Brian Munzlinger, District 1, hereby state and affirm that my vote as recorded on Page 268 of the Journal of the House for Wednesday, February 10, 2010 that House Committee Substitute for House Bill No. 1540 was ordered perfected and printed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 11th day of February 2010.

/s/ Brian Munzlinger  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 11th day of February in the year 2010.

/s/ Leticia J. Long  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, February 16, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1840, HB 1802

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 6.

Executive session: HB 2006 CORRECTED

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 4.

Executive session continued on HB 2006. CORRECTED

APPROPRIATIONS - EDUCATION

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 1.

Presentation by institutions of Higher Education.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 16, 2010, 9:00 a.m. House Chamber south gallery.

Executive session.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

Executive session may follow.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

Executive session may follow.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5.

Departmental FY 2011 budget presentation.

Executive session may follow.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 6.

Executive session may follow.

ELECTIONS

Tuesday, February 16, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HJR 64

ENERGY AND ENVIRONMENT

Tuesday, February 16, 2010, 8:30 a.m. Hearing Room 1.

Possible Executive session.

Public hearing to be held on: HB 1402, HCR 46

FISCAL REVIEW

Monday, February 15, 2010, 3:00 p.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow. CORRECTED

FISCAL REVIEW

Wednesday, February 17, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, February 18, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

#### HEALTH CARE POLICY

Tuesday, February 16, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1498

#### HEALTHCARE TRANSFORMATION

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1247, HB 1523

#### HIGHER EDUCATION

Tuesday, February 16, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1504

#### INSURANCE POLICY

Wednesday, February 17, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1764, HB 1841, HB 1904

#### PUBLIC SAFETY

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1758

#### RULES - PURSUANT TO RULE 25(32)(f)

Monday, February 15, 2010, 3:00 p.m. Hearing Room 1.

Public hearing to be held on: HCS HB 1750

#### RURAL COMMUNITY DEVELOPMENT

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1207, HB 1502

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 5.

Working session.

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Wednesday, February 17, 2010, 5:00 p.m. Hearing Room 4.

Working session.

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 1.

Working session.

**SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING**

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 4.

Public hearing to be held on: HB 1636, HB 1883, HB 1438, HB 1437

**SPECIAL STANDING COMMITTEE ON URBAN ISSUES**

Monday, February 15, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 1519, HB 1963, HB 1601

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, February 15, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1987, HB 2059

**TOURISM**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1691, HB 1268, HB 1677

**TRANSPORTATION**

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1585, HB 1637, HB 1638, HB 1656, HB 1672

**UTILITIES**

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 1.

Public hearing to be held on: HB 1633, HB 1851

**HOUSE CALENDAR**

TWENTY-SECOND DAY, MONDAY, FEBRUARY 15, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 56

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 95 and HJR 96

**HOUSE BILLS FOR SECOND READING**

HB 2116 through HB 2152

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HBs 1311 & 1341 - Scharnhorst
- 3 HCS HB 1675 - Nolte
- 4 HCS HB 1684 - Zerr

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/15/2010)

- 1 HB 1208 - Day
- 2 HB 1559 - Brown (30)
- 3 HB 1745 - Day

**HOUSE BILLS FOR THIRD READING**

HCS HB 1497, (Fiscal Review 2-10-10) - Smith (150)

**SENATE BILLS FOR SECOND READING**

- 1 SS SCS SBs 586 & 617
- 2 SCS SB 604

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCS SCRs 35 & 32, (2-1-10, Pages 185-186) - Munzlinger

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-SECOND DAY, MONDAY, FEBRUARY 15, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Speaker Pro Tem Pratt.

Dear Heavenly Father,

Thank You for all of Your blessings. You have truly blessed each member of this House.

We are thankful for our families and our constituents who give us an opportunity for service. Please care for us and give us guidance and direction as we serve this great state. Please afford us wisdom, conviction, and humility during our service this week.

In Your Son's name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Abby Keeven, Anne Currie, Lakin Duncan, Logan Darnell, Grant Marshall, Khadijah Simmon and Ryan McDaniel.

The Journal of the twenty-first day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 723 through House Resolution No. 766

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 56** was read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 95** and **HJR 96** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2116** through **HB 2152** were read the second time.

**SECOND READING OF SENATE BILLS**

**SS SCS SBs 586 & 617** and **SCS SB 604** were read the second time.

**COMMITTEE REPORT**

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1497** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**THIRD READING OF HOUSE BILL**

**HCS HB 1497**, relating to vacancies in statewide offices, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HCS HB 1497** was read the third time and passed by the following vote:

AYES: 090

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberger	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kraus
Lair	Largent	Lipke	Loehner	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 062

Atkins	Aull	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Corcoran	Curls	Englund	Fallert	Fischer 107
Grill	Harris	Hodges	Holsman	Hoskins 80
Hummel	Jones 63	Kander	Kelly	Kirkton
Kratky	Kuessner	LeBlanc	LeVota	Liese
McClanahan	McDonald	McNeil	Meadows	Morris
Newman	Norr	Oxford	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt

Walsh  
Yaeger

Walton Gray  
Zimmerman

Webb

Webber

Witte

PRESENT: 000

ABSENT WITH LEAVE: 008

Cooper  
Pace

Hughes  
Sander

Lampe  
Viebrock

Leara

Low

VACANCIES: 003

Speaker Pro Tem Pratt declared the bill passed.

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 628** - Administration and Accounts

### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 1993** - Special Standing Committee on General Laws

### **COMMITTEE REPORT**

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1750**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2153**, introduced by Representative Deeken, relating to elections.

**HB 2154**, introduced by Representative Smith (14), relating to payment of sales tax.

**HB 2155**, introduced by Representative Molendorp, relating to community improvement districts.

**HB 2156**, introduced by Representative Molendorp, relating to the regulation of bail bond agents.

**HB 2157**, introduced by Representative Meiners, relating to county recorder duties.

**HB 2158**, introduced by Representative Nolte, relating to ballroom dance curriculum in public schools.



**HB 2159**, introduced by Representative Diehl, relating to the designation of a memorial highway.

**HB 2160**, introduced by Representative Diehl, relating to health insurance networks.

**HB 2161**, introduced by Representative Guest, relating to driver's license application information.

**HB 2162**, introduced by Representative Flook, relating to police and civilian employees' retirement systems.

**HB 2163**, introduced by Representative Pollock, relating to certain contract provisions.

### **COMMITTEE CHANGES**

February 15, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Mark Parkinson as a member of the following Committees:

Tourism Committee  
Conservation and Natural Resources Committee  
Senior Citizen Advocacy Committee  
Transportation Committee

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

The following member's presence was noted: Viebrock.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, February 16, 2010.

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, February 16, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1840, HB 1802

### **AGRICULTURE POLICY**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 6.

Executive session will be at the beginning of the meeting.

Public hearing to be held on: HB 1747

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 6.

Executive session: HB 2006 CORRECTED

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 4.

Executive session continued on HB 2006. CORRECTED

### **APPROPRIATIONS - EDUCATION**

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 1.

Presentation by institutions of Higher Education.

### **APPROPRIATIONS - EDUCATION**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 1.

Presentation by institutions of Higher Education.

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 16, 2010, Hearing Room 3 upon morning adjournment.

Final budget reviews: Elected officials - Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Judiciary, Public Defender, General Assembly;

Office of Administration/Public Debt/Fringe Benefits/Real Estate/Revenue. AMENDED

Public hearing to be held on: HB 2001, HB 2004, HB 2005, HB 2012, HB 2013

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 17, 2010, Hearing Room 3 upon morning adjournment.

Executive Session may follow.

Public hearing to be held on: HB 2001, HB 2004, HB 2005, HB 2012, HB 2013

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 16, 2010, 9:00 a.m. House Chamber south gallery.

Executive session. CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 16, 2010, 2:00 p.m. Hearing Room 5.

HB 2010 and HB 2011. Executive session may follow. AMENDED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 5.

HB 2010 and HB 2011. Executive session may follow. AMENDED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5.

HB 2010 and HB 2011. Executive session may follow. AMENDED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2008, HB 2009

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 7.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, February 18, 2010, Hearing Room 7 upon morning adjournment.

Executive session will be held on: HB 2007

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 17, 2010, 5:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1466, HB 1644

CRIME PREVENTION

Wednesday, February 17, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1695, HB 1674, HB 1742

ELECTIONS

Tuesday, February 16, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HJR 64

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 17, 2010, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1905

#### ENERGY AND ENVIRONMENT

Tuesday, February 16, 2010, 8:30 a.m. Hearing Room 1.

Possible Executive session.

Public hearing to be held on: HB 1402, HCR 46

#### FISCAL REVIEW

Wednesday, February 17, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, February 18, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

#### HEALTH CARE POLICY

Tuesday, February 16, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1498

#### HEALTH CARE POLICY

Wednesday, February 17, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1918

#### HEALTHCARE TRANSFORMATION

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1247, HB 1523

#### HIGHER EDUCATION

Tuesday, February 16, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1504

#### INSURANCE POLICY

Wednesday, February 17, 2010, 12:00 p.m. Hearing Room 7. AMENDED

Public hearing to be held on: HB 1841, HB 1904

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HJR 81, HB 1642, HB 1860

JOINT COMMITTEE ON TAX POLICY

Tuesday, February 23, 2010, 1:30 p.m. Senate Committee Room 1.

Discussions on Low-Income Housing Tax Credits.

Testimony by MO Housing Development Commission Director Pete Ramsel.

Under 21.810, RSMo, this meeting will conduct the annual election of Chairman and Vice Chairman.

LOCAL GOVERNMENT

Wednesday, February 17, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1593, HB 1595, HB 1680, HB 1759

PUBLIC SAFETY

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1758

RURAL COMMUNITY DEVELOPMENT

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1207, HB 1502

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 17, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1327, HB 2000

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1404

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1788, HB 1792, HB 1842, HJR 63, HJR 78

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 5.

Working session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Wednesday, February 17, 2010, 5:00 p.m. Hearing Room 4.

Working session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 1.  
Working session.

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Tuesday, February 16, 2010, 5:00 p.m. Hearing Room 4.  
Public hearing to be held on: HB 1636, HB 1883, HB 1438, HB 1437

TAX REFORM

Wednesday, February 17, 2010, 8:45 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 1800, HB 1240

TOURISM

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 1691, HB 1268, HB 1677

TRANSPORTATION

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 1585, HB 1637, HB 1638, HB 1656, HB 1672

UTILITIES

Tuesday, February 16, 2010, 12:00 p.m. Hearing Room 1.  
Public hearing to be held on: HB 1633, HB 1851

WAYS AND MEANS

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 3.  
Possible Executive session.  
Public hearing to be held on: HB 1392, HB 1420, HB 1424, HB 2048

**HOUSE CALENDAR**

TWENTY-THIRD DAY, TUESDAY, FEBRUARY 16, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2153 through HB 2163

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HBs 1311 & 1341 - Scharnhorst
- 3 HCS HB 1675 - Nolte
- 4 HCS HB 1684 - Zerr
- 5 HCS HB 1750 - Jones (89)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/15/2010)

- 1 HB 1208 - Day
- 2 HB 1559 - Brown (30)
- 3 HB 1745 - Day

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCS SCRs 35 & 32, (2-1-10, Pages 185-186) - Munzlinger

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-THIRD DAY, TUESDAY, FEBRUARY 16, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Let us pray, from *Psalms* 25:

"Guide me in your truth and teach me,  
For you are God my savior,  
And for you I wait all the day."  
(*Psalms* 25:5)

Almighty God, many topics compete for our attention; help us to see the truth and wisdom each has to offer. When several conflicting values seek our support, give us the vision and wisdom to judge which are of greater importance, which correspond best to what is real and true, which best serve the common good.

Give us the courage always to stand up for what is right and just.

To You, Almighty God, be honor and glory forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-second day was approved as printed.

## SPECIAL RECOGNITION

The 2010 Future Farmers of America (FFA) State Officers were introduced by Representative Viebrock.

Samantha Warner, State FFA President, addressed the House.

## HOUSE RESOLUTION

Representative Englund offered House Resolution No. 786.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 767 through House Resolution No. 785

House Resolution No. 787 through House Resolution No. 792



## HOUSE CONCURRENT RESOLUTION

Representative Smith (14), et al., offered House Concurrent Resolution No. 61.

## SECOND READING OF HOUSE BILLS

**HB 2153** through **HB 2163** were read the second time.

## PERFECTION OF HOUSE BILLS

**HCS HB 1675**, relating to the Manufacturing Jobs Act, was taken up by Representative Nolte.

Representative Nolte offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1675, Section 620.1910, Page 1, Lines 12-14, by deleting all of said lines and inserting in lieu thereof “**Budget;**”; and

Further amend said section, Page 2, Line 23, by deleting “**state average wage**” and inserting in lieu thereof “**industry average wage for Missouri as determined by the department using NAICS industry classifications**”; and

Further amend said section and page, Lines 49-52, by deleting all of said lines and inserting in lieu thereof following after:

“(9) “**Retained job**”, the number of full-time employees located at the project facility that existed in the taxable year immediately preceding the year in which application for the program is made;

(10) “**Taxpayer**”, any individual or entity subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147, 148, or 153;

(11) “**Withholding tax**”, the state tax imposed by sections 143.191 to 143.265.”; and

Further amend said section, Page 3, Line 70, by deleting “**industrial**” and inserting “**industry**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nolte, **House Amendment No. 1** was adopted.

Representative Roorda offered **House Amendment No. 2**.

Representative Cox raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Bringer offered **House Amendment No. 3**.

Representative Cox raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Nolte, **HCS HB 1675, as amended**, was adopted.

On motion of Representative Nolte, **HCS HB 1675, as amended**, was ordered perfected and printed by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 006

Bringer	Davis	Fischer 107	Harris	Scavuzzo
Schieffer				

PRESENT: 003

Low	Oxford	Quinn
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ABSENT WITH LEAVE: 008

Burnett	Hughes	Leara	Pace	Salva
Sander	Skaggs	Stream		

VACANCIES: 003

**HCS HBs 1311 & 1341**, relating to pervasive developmental disorders, was taken up by Representative Scharnhorst.

Representative Emery offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Section 376.1224, Page 16, Line 92, by deleting the number “**twenty-one**” and inserting in lieu thereof the number “**fifteen**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Grill offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Section 376.1224, Page 16, Lines 89-96, by deleting all of said lines and insert in lieu thereof the following:

**“6. Coverage provided under this section for applied behavior analysis shall be subject to a maximum total benefit of thirty-six thousand dollars per year for individuals through age nine and thirty thousand dollars per calendar year for children ages ten through eighteen. No coverage for applied behavior analysis shall be required for individuals older than eighteen years of age. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Scharnhorst offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Amendment No. 1  
to  
House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for House Bill Nos. 1311 & 1341, Page 1, Lines 3-5, by deleting all of said lines and insert in lieu thereof the following:

**“6. Coverage provided under this section for applied behavior analysis shall be subject to a maximum total benefit of thirty thousand dollars per year for individuals through eighteen years of age. No coverage”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS HBs 1311 & 1341, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, and House Amendment No. 1, pending, was laid over.**

On motion of Representative Tilley, the House recessed until 6:30 p.m.

### **EVENING SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

### **PERFECTION OF HOUSE BILL**

**HCS HBs 1311 & 1341, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, and House Amendment No. 1, pending**, relating to pervasive developmental disorders, was again taken up by Representative Scharnhorst.

**House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was withdrawn.

Representative Scharnhorst offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Amendment No. 2  
to  
House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for House Bill Nos. 1311 & 1341, Page 1, Lines 3-5, by deleting all of said lines and insert in lieu thereof the following:

**“6. Coverage provided under this section for applied behavior analysis shall be subject to a maximum total benefit of thirty-six thousand dollars per year for individuals through eighteen years of age. No coverage”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

On motion of Representative Grill, **House Substitute Amendment No. 1 for House Amendment No. 1, as amended**, was adopted.

Representative Grisamore offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Sections 337.300, 337.305, 337.310, 337.315, 337.320, 337.325, 337.330, 337.335, 337.340, 337.345, and 376.1224 by deleting all occurrences of the words **“pervasive developmental disorders”** and insert in lieu thereof the words **“autism spectrum disorders”** and by deleting all occurrences of the letters **“PDD”** and insert in lieu thereof the letters **“ASD”**; and

Further amend said bill, Section 376.1224, Pages 14-15, Lines 1-47, by deleting all of said lines and insert in lieu thereof the following:

**“376.1224. 1. For purposes of this section, the following terms shall mean:**

**(1) "Applied behavior analysis", the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;**

**(2) "Autism service provider",**

**(a) Any person, entity or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri;**

**(b) Any person who is certified as a board certified behavior analyst by the behavior analyst certification board; or**

**(c) Any person, if not licensed or certified, who is supervised by a person who is certified as a board certified behavior analyst by the Behavior Analyst Certification Board, whether such board certified behavior analyst supervises as an individual or as an employee of or in association with an entity or group; provided however, the definition of autism service provider shall specifically exclude parents and siblings of autistic children to the extent such parents or siblings are providing diagnostic or treatment services to their child or sibling;**

**(3) "Autism spectrum disorder" or "ASD", a neurobiological disorder, an illness of the nervous system, which includes:**

**(A) "Autistic Disorder", which is**

**(1) six or more items from subdivision (a), (b), and (c), of this subdivision with at least two items from subdivision (a) of this subdivision, and one item each from subdivisions (b) and (c) of this subdivision:**

**(a) Qualitative impairment in social interaction, as manifested by at least two of the following:**

**(i) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction;**

**(ii) Failure to develop peer relationships appropriate to developmental level;**

**(iii) A lack of spontaneous seeking to share enjoyment, interests, or achievements with other people;**

**(iv) Lack of social or emotional reciprocity.**

**(b) Qualitative impairments in communication as manifested by at least one of the following:**

**(i) Delay in, or total lack of, the development of spoken language;**

**(ii) In individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others;**

**(iii) Stereotyped and repetitive use of language or idiosyncratic language**

**(iv) Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level**

**(c) Restricted repetitive and stereotyped patterns of behavior, interests, and activities, as manifested by at least one of the following:**

**(i) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;**

**(ii) Apparently inflexible adherence to specific, nonfunctional routines or rituals;**

**(iii) Stereotyped and repetitive motor mannerisms;**

**(iv) Persistent preoccupation with parts of objects.**

**(2) Delays or abnormal functioning in at least one of the following areas, with onset prior to age 3 years including social interaction, language as used in social communication, or symbolic or imaginative play.**

**(3) The disturbance is not better accounted for by Rett's Disorder or Childhood Disintegrative Disorder.**

**(B) "Asperger's Disorder",**

**(1) Qualitative impairment in social interaction, as manifested by at least two of the following:**

**(a) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction;**

**(b) Failure to develop peer relationships appropriate to developmental level;**

**(c) A lack of spontaneous seeking to share enjoyment, interests, or achievements with other people; and**

**(d) Lack of social or emotional reciprocity.**

**(2) Restricted repetitive and stereotyped patterns of behavior, interests, and activities, as manifested by at least one of the following:**

(a) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

(b) Apparently inflexible adherence to specific, nonfunctional routines or rituals;

(c) Stereotyped and repetitive motor mannerisms; and

(d) Persistent preoccupation with parts of objects.

(3) The disturbance causes clinically significant impairment in social, occupational, or other important areas of functioning.

(4) There is no clinically significant general delay in language.

(5) There is no clinically significant delay in cognitive development or in the development of age-appropriate self-help skills, adaptive behavior (other than in social interaction), and curiosity about the environment in childhood.

(6) Criteria are not met for another specific Pervasive Developmental Disorder or Schizophrenia.

(C) "Pervasive Developmental Disorder Not Otherwise Specified", a severe and pervasive impairment in the development of reciprocal social interaction associated with impairment in either verbal or nonverbal communication skills or with the presence of stereotyped behavior, interests, and activities, but the criteria are not met for a specific Pervasive Developmental Disorder, Schizophrenia, Schizotypal Personality Disorder, or Avoidant Personality Disorder.;

(D) "Rett's Disorder", includes

(1) All of the following:

(a) Apparently normal prenatal and perinatal development;

(b) Apparently normal psychomotor development through the first 5 months after birth;

(c) Normal head circumference at birth.

(2) Onset of all of the following after the period of normal development:

(a) Deceleration of head growth between ages 5 and 48 months;

(b) Loss of previously acquired purposeful hand skills between ages 5 and 30 months with the subsequent development of stereotyped hand movements;

(c) Loss of social engagement early in the course;

(d) Appearance of poorly coordinated gait or trunk movements;

(e) Severely impaired expressive and receptive language development with severe psychomotor retardation ; or

(E) "Childhood Disintegrative Disorder", is

(1) Apparently normal development for at least the first 2 years after birth as manifested by the presence of age-appropriate verbal and nonverbal communication, social relationships, play, and adaptive behavior;

(2) Clinically significant loss of previously acquired skills in at least two of the following areas: expressive or receptive language, social skills or adaptive behavior, bowel or bladder control, play, and motor skills;

(3) Abnormalities of functioning in at least two of the following areas: qualitative impairment in social interaction, qualitative impairments in communication, restricted, repetitive, and stereotyped patterns of behavior, interests, and activities, including motor stereotypies and mannerisms; and

(4) The disturbance is not better accounted for by another specific Pervasive Developmental Disorder or by Schizophrenia.

(4) "Diagnosis of autism spectrum disorders", medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

(5) "Habilitative or rehabilitative care", professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop the functioning of an individual;

(6) "Health benefit plan", shall have the same meaning ascribed to it as in section 376.1350;

(7) "Health carrier", shall have the same meaning ascribed to it as in section 376.1350;

(8) "Pharmacy care", medications used to address symptoms of an autism spectrum disorder prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured's health benefit plan;

(9) "Psychiatric care", direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;

(10) "Psychological care", direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;

(11) "Therapeutic care", services provided by licensed speech therapists, occupational therapists, or physical therapists;

(12) "Treatment for autism spectrum disorders", care prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist, provided by an autism service provider, and pursuant to the powers granted under such licensed physician's or licensed psychologist's license, including, but not limited to:

- (a) Psychiatric care;
- (b) Psychological care;
- (c) Habilitative or rehabilitative care, including applied behavior analysis therapy;
- (d) Therapeutic care; or
- (e) Pharmacy care.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Grisamore, **House Amendment No. 2** was adopted.

Representative Scharnhorst offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Section 376.1224, Page 15, Lines 58-66, by deleting all of said lines and insert in lieu thereof the following:

“3. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual experience over any consecutive twelve month period that compliance with this section has increased the cost of the health insurance plan by an amount that results in at least a two and one-half percent increase over the period of a calendar year in premium costs to the small employer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Burlison offered **House Amendment No. 1 to House Amendment No. 3**.

**House Amendment No. 1 to House Amendment No. 3** was withdrawn.

On motion of Representative Scharnhorst, **House Amendment No. 3** was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dieckhaus	Diehl	Dougherty	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	LeBlanc	Liese
Lipke	Loehner	Low	McClanahan	McDonald

McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 010

Ayres	Burlison	Burnett	Dethrow	Dugger
Guernsey	Koenig	LeVota	Schoeller	Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 007

Dixon	Hughes	Leara	Pace	Schlottach
Spreng	Vogt			

VACANCIES: 003

## Representative Jones (63) offered **House Amendment No. 4.**

### *House Amendment No. 4*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Section 376.1224, Page 16, Lines 97-99, by deleting all of said lines and insert in lieu thereof the following:

**“7. Subject to the provisions set forth in subdivision (3) of subsection 5 of this section, coverage provided under this section shall not be subject to any limits on the number of visits an individual may make to a ASD service provider; except that, the maximum benefit total benefit for applied behavior analysis set forth in subsection 6 of this section shall apply to this subsection.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (63), **House Amendment No. 4** was adopted.

## Representative Grisamore offered **House Amendment No. 5.**

### *House Amendment No. 5*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Section 376.1224, Pages 17-18, Lines 138-145, by deleting all of said lines and insert in lieu thereof the following:

**“14. Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the services delivered by any school-based service.”; and**



Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Grisamore, **House Amendment No. 5** was adopted by the following vote:

AYES: 089

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 80
Hoskins 121	Ice	Jones 63	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sater	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Morris	Newman	Norr	Oxford
Quinn	Roorda	Rucker	Salva	Sander
Scavuzzo	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 009

Corcoran	Dixon	Hughes	Leara	Meiners
Pace	Schlottach	Spreng	Vogt	

VACANCIES: 003

Representative Wilson (130) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Section 337.300, Page 2, Lines 22-24, by deleting all of said lines and inserting in lieu thereof the following:

**“(8) "Line therapist", an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral”; and**

Further amend said bill, Section 337.305, Page 3, Line 23, by inserting after the word **“board”** the phrase **“who shall have experience in the practice of applied behavior analysis”**; and

Further amend said bill, Section 337.315, Page 5, Line 17, by deleting all of said line and inserting in lieu thereof the following:

**“(4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;”**; and

Further amend said bill and section, Page 6, Line 54, by inserting immediately after the word **“state”** the following:

**“, only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry”; and**

Further amend said bill, Section 337.325, Page 10, Line 9, by inserting after the word **“obtaining”** the words **“professional education or”**; and

Further amend said bill, Section 337.345, Page 13, Lines 10, 17, and 27, by inserting after the word **“date”** the following:

**“, and only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry”; and**

Further amend said bill, Section 376.1224, Page 15, Lines 48-57, by deleting all of said lines and insert in lieu thereof the following:

**“2. All group health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2011, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders to the extent that such diagnosis and treatment is not already covered by the health benefit plan.”**; and

Further amend said bill, section and page, Line 69, by deleting the word **“solely”** and Lines 70-71, by deleting the phrase **“or because the individual receives coverage under this section”**; and

Further amend said bill and section, Page 16, Lines 72-88, by deleting all of said lines and insert in lieu thereof the following:

**“5. (1) Coverage provided under this section is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan.**

**(2) The treatment plan upon request by the health benefit plan or health carrier shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.**

**(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan not more than once every three months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. The cost of obtaining any review shall be borne by the health benefit plan or health carrier, as applicable.”; and**

Further amend said bill and section, Pages 16-17, Lines 100-112, by deleting all of said lines and insert in lieu thereof the following:

**“8. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care services required by this section shall not be subject to any greater deductible, coinsurance or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, such as coordination of benefits, services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.**

**9. To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to the autism service providers except for line therapists as defined in section 337.300; the person who is supervising an autism service provider who is also certified as a board certified behavior analyst and licensed by the state of Missouri; or any entity or group for whom such supervising person, who is certified as a board certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.**

**10. If a request for qualifications is made by a health carrier of a person who is not licensed as an autism service provider, such person shall provide documented evidence of education and professional training, if any, in applied behavior analysis.”; and**

Further amend said bill and section, Page 17, Lines 130-133, by deleting all of said lines and inserting in lieu thereof the following:

**“(1) To the MO HealthNet program as described in chapter 208; or”;** and

Further amend said bill and section, Page 18, Line 147, by inserting after all of said line the following:

**“16. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wilson (130), **House Amendment No. 6** was adopted.

Representative Schaaf offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill Nos. 1311 & 1341, Page 17, Section 376.1224, Line 130 of said page, by deleting the word "To" and inserting in lieu thereof the following:

**"Except as otherwise provided in subsection 17 of this section, to"; and**

Further amend said bill and section, Page 18, Line 159 of said page, by inserting after all of said line the following:

**"17. (1) The provisions of this section shall only apply to children born prior to the effective date of this section. No health carrier or health benefit plan shall be required to provide PDD coverage under this section for children born after the effective date of this section.**

(2) For children born after the effective date of this section, the state of Missouri shall provide the coverage required under this section either by waiver under the MO HealthNet program or funded in whole by the state.

(3) The department of social services shall apply to the federal Centers for Medicare and Medicaid Services for a waiver to provide pervasive developmental disorder coverage to all children born after the effective date of this section who are diagnosed with a pervasive developmental disorder and who are not otherwise eligible for MO HealthNet benefits. Coverage under such a waiver shall:

(a) Be available to all children born after the effective date of this section;  
(b) Not provide coverage to such children for any other health care services;  
(c) Require precertification, utilization review, and effectiveness of treatment monitoring to be developed by the department;

(d) Require schools to provide PDD services to such children if funding for such services becomes available; and

(e) Require premiums identical to those required under section 208.640; except that, for children in families with a gross income greater than or equal to three hundred percent of the federal poverty level the total aggregate cost sharing for care provided under this section shall not exceed six percent of such family's income for the years involved.

(4) If the waiver application is denied, the state of Missouri shall fund, consistent with subdivision 3 of this subsection, the coverage provided in this section for all children born after the effective date of this section who are diagnosed with a pervasive developmental disorder and who are not otherwise eligible for coverage under the MO HealthNet program.

(5) The department shall notify the revisor of statutes as soon as practicable whether the application was approved or denied and the date of such approval or denial."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative LeVota offered **House Amendment No. 1 to House Amendment No. 7**.

Representative Schaaf raised a point of order that **House Amendment No. 1 to House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Silvey offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

Representative Pratt raised points of order that **House Substitute Amendment No. 1 for House Amendment No. 7** goes beyond the scope of the bill and is not a true substitute amendment.

The Chair ruled the second point of order well taken.

Representative Schaaf moved that **House Amendment No. 7** be adopted.

## Which motion was defeated by the following vote:

AYES: 065

Biermann	Bringer	Brown 30	Brown 50	Burnett
Calloway	Carter	Casey	Cox	Curls
Davis	Day	Englund	Fallert	Fischer 107
Frame	Grill	Guernsey	Guest	Harris
Hodges	Holsman	Hummel	Kander	Kelly
Kirkton	Komo	Kuessner	Lampe	Largent
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Nasheed
Newman	Norr	Oxford	Pollock	Quinn
Roorda	Rucker	Salva	Sander	Scavuzzo
Schaaf	Schieffer	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walton Gray	Webber	Witte	Yaeger	Zimmerman

NOES: 087

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 149	Bruns	Burlison	Chappelle-Nadal
Colona	Cooper	Corcoran	Cunningham	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Hobbs	Hoskins 80	Hoskins 121
Ice	Jones 63	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kratky	Kraus	Lair
Lipke	Loehner	McGhee	McNary	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pratt	Riddle	Ruzicka
Sater	Schad	Scharnhorst	Schoeller	Schoemehl
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Walsh	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 008

Dixon	Hughes	Leara	Pace	Ruestman
Schlottach	Sprenge	Vogt		

VACANCIES: 003

On motion of Representative Scharnhorst, **HCS HBs 1311 & 1341, as amended**, was adopted.

On motion of Representative Scharnhorst, **HCS HB 1311 & 1341, as amended**, was ordered perfected and printed.

## REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

**HR 786** - Rules

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS HB 1675** - Fiscal Review (Fiscal Note)

**HB 1451** - Crime Prevention

**HB 1826** - Special Standing Committee on Urban Issues

**HB 1998** - Special Standing Committee on Professional Registration and Licensing

## COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 1802**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 1840**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1498**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 1472**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Urban Issues**, Chairman Hoskins (80) reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 1519**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 62**, introduced by Representatives Englund, Yaeger, Brown (50), McNeil, Walton Gray, Fischer (107), Schupp, Todd, Carter, Kelly, Komo, Norr, Casey, Atkins, Still, Spreng, McDonald, Hummel, Skaggs, Tilley, Sater, Wallace, Pace, Biermann, LeBlanc, Schlottach, Jones (117), Stream, Kingery, Newman, Guernsey, Sutherland, Brown (149), Lair, Ruzicka, Colona, McClanahan, Storch, Fallert, Lampe, Low, Schieffer, Hodges, Webb, Jones (63), Bringer, Talboy, Funderburk, Loehner, Liese, Meiners, Corcoran, Fisher (125), Denison, Dusenberg, Parkinson, Flanigan, Guest, Silvey, Dougherty, Vogt, Kratky, Kirkton, Scavuzzo, Harris, Grill, Morris, Aull, Bivins, Zerr, Ayres, Molendorp, Burnett, Calloway, Holsman, Oxford, Quinn, Witte, Walsh, Webber, Rucker, Kuessner, Roorda, Kander, Faith, Salva, Meadows, Shively and Pratt, relating to the designation of Take Our Daughters and Sons to Work Day in Missouri.

## INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

**HB 2014**, introduced by Representative Icet, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2010.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2164**, introduced by Representatives Holsman, Oxford, Low, Brown (50), Kander, Carter, Walton Gray, Morris, Skaggs, Webb, Pace, Fallert, Casey, Roorda, Meadows, Schupp, Hummel, Englund, Chappelle-Nadal, Atkins, Kirkton and Grill, relating to public financing of certain election campaigns.

**HB 2165**, introduced by Representatives Zerr, Schad and Allen, relating to water quality testing.

**HB 2166**, introduced by Representatives Wallace, Munzlinger, Shively, Guest, Denison, Wasson, Kingery, Bringer, Weter, Dethrow, Wells, Hobbs, Thomson, Sater, Schad, Sander and McNary, relating to school funding.

**HB 2167**, introduced by Representatives Denison, Burlison, Schoeller, Wells, Dugger, Franz, Parson, Pollock, Smith (150), Tracy, Flanigan, Diehl, Weter, Dixon, Viebrock, Schad, Cunningham, Wasson, Jones (117) and Nance, relating to the designation of a memorial highway.

**HB 2168**, introduced by Representatives Kingery, Wright, Brandom and Swinger, relating to major water users.

**HB 2169**, introduced by Representatives Smith (14) and Dieckhaus, relating to a road project to reduce flooding.

**HB 2170**, introduced by Representative Wasson, relating to the professional registration of private investigators.

**HB 2171**, introduced by Representatives Scavuzzo, Yaeger, Atkins, Molendorp and Weter, relating to water supply districts.

**HB 2172**, introduced by Representatives Frame, LeVota, Carter, Colona, Hummel and Low, relating to annexation of adjacent territory in cities of the fourth classification.

**HB 2173**, introduced by Representative Parson, relating to the circuit clerk's record preservation fund.

**HB 2174**, introduced by Representative Kelly, relating to parentage of a child.

**HB 2175**, introduced by Representatives Stream, Lampe and Nasheed, relating to charter schools.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, February 17, 2010.

### **COMMITTEE MEETINGS**

#### **ADMINISTRATION AND ACCOUNTS**

Wednesday, February 17, 2010, 2:30 p.m. Hearing Room 2.

Executive session to follow.

Public hearing to be held on: HB 1571, HB 1645, HR 628

#### **AGRICULTURE POLICY**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 6.

Executive session will be at the beginning of the meeting.

Public hearing to be held on: HB 1747

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 4.

Executive session continued on HB 2006. CANCELLED

#### **APPROPRIATIONS - EDUCATION**

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 1.

Presentation by institutions of Higher Education.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 17, 2010, Hearing Room 3 upon morning adjournment.

Executive session will be held on: HB 2001, HB 2004, HB 2005, HB 2012



APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 5. AMENDED

Executive session will be held on: HB 2010, HB 2011

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5. AMENDED

Executive session will be held on: HB 2010, HB 2011

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 6. AMENDED

Executive session will be held on: HB 2008, HB 2009

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 17, 2010, 2:00 p.m. Hearing Room 7.

Executive session will be held on: HB 2007

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, February 18, 2010, Hearing Room 7 upon morning adjournment.

Executive session will be held on: HB 2007

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 17, 2010, 5:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1466, HB 1644

CRIME PREVENTION

Wednesday, February 17, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1695, HB 1674, HB 1742

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 17, 2010, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1905

FISCAL REVIEW

Wednesday, February 17, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, February 18, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Wednesday, February 24, 2010, 9:00 a.m. South Gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, February 25, 2010, 9:00 a.m. South Gallery.

All bills referred to committee.

Executive session may follow

HEALTH CARE POLICY

Wednesday, February 17, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1918

INSURANCE POLICY

Wednesday, February 17, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1841, HB 1904

JOINT COMMITTEE ON TAX POLICY

Tuesday, February 23, 2010, 1:30 p.m. Senate Committee Room 1.

Discussions on Low-Income Housing Tax Credits.

Testimony by MO Housing Development Commission Director Pete Ramsel.

Under 21.810, RSMo, this meeting will conduct the annual election of Chairman and Vice Chairman.

JUDICIARY

Wednesday, February 17, 2010, 12:00 p.m. Hearing Room 1.

Executive session.

LOCAL GOVERNMENT

Wednesday, February 17, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1593, HB 1595, HB 1680, HB 1759

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 17, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1327, HB 2000

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Wednesday, February 17, 2010, 5:00 p.m. Hearing Room 4.

Working session.

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 1.

Working session.

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, February 22, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1892

**TAX REFORM**

Wednesday, February 17, 2010, 8:45 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1800, HB 1240

**TOURISM**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1691, HB 1268, HB 1677

**VETERANS**

Thursday, February 18, 2010, 9:30 a.m. House Chamber south gallery.

Executive session will be held on: HB 1893

**WAYS AND MEANS**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1392, HB 1420, HB 1424, HB 2048

**HOUSE CALENDAR**

TWENTY-FOURTH DAY, WEDNESDAY, FEBRUARY 17, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 62

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 2014

**HOUSE BILLS FOR SECOND READING**

HB 2164 through HB 2175

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HB 1684 - Zerr
- 3 HCS HB 1750 - Jones (89)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/15/2010)

- 1 HB 1208 - Day
- 2 HB 1559 - Brown (30)
- 3 HB 1745 - Day

**HOUSE BILLS FOR THIRD READING**

HCS HB 1675, (Fiscal Review 2-16-10) - Nolte

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCS SCR 35 & 32, (2-1-10, Pages 185-186) - Munzlinger

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-FOURTH DAY, WEDNESDAY, FEBRUARY 17, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Your unfailing love, O LORD, is as vast as the heavens; Your faithfulness reaches beyond the clouds. Your righteousness is like the mighty mountains, Your justice like the ocean depths. You care for all of Your creation. How precious is Your unfailing love. All find shelter in Your presence. (*Psalms 36:5-7*)

You are a God so watchful that You note when even the smallest sparrow falls to the ground. In the same way, You watch over us, whether we recognize or acknowledge Your presence. You see our predicament with perfect clarity, helping us through the rough spots and establishing Your plans for our future.

Help us to receive wise counsel and have a healthy appreciation for truth and the views of others. Direct our steps and help us to continue down the path of productive communication and beneficial associations. May we legislate from a position of in-depth wisdom, knowledge and a strong sense of duty.

Now, blessed be the LORD, who has given rest to His people, according to all that He promised. May the LORD God continue to guide, direct and instruct each member of this House and their staff.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-third day was approved as printed.

## COMMUNICATIONS FROM THE SECRETARY OF STATE

TO THE CHIEF CLERK OF THE MISSOURI HOUSE

Adam Crumbliss  
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 27<sup>th</sup> Legislative District in the State of Missouri, on the 2<sup>nd</sup> day of February, 2010, as provided by law, the following named person was elected to the office of State Representative, 27<sup>th</sup> Legislative District as shown by the election results certified to this office by the election authority of the 27<sup>th</sup> Legislative District.

Name	Office
Pat Conway 712 B Francis St. Joseph, MO 64501	State Representative 27 <sup>th</sup> Legislative District

IN WITNESS WHEREOF, I have hereunto set my  
hand affixed the seal of my office this 10<sup>th</sup> day of  
February, 2010.

/s/ Robin Carnahan  
Secretary of State

---

TO THE CHIEF CLERK OF THE MISSOURI HOUSE  
Adam Crumbliss  
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 57<sup>th</sup> Legislative District in the State of Missouri, on the 2<sup>nd</sup> day of February, 2010, as provided by law, the following named person was elected to the office of State Representative, 57<sup>th</sup> Legislative District as shown by the election results certified to this office by the election authority of the 57<sup>th</sup> Legislative District.

<b>Name</b>	<b>Office</b>
Hope Whitehead 5851 Enright Ave. St. Louis, MO 63112	State Representative 57 <sup>th</sup> Legislative District

IN WITNESS WHEREOF, I have hereunto set my  
hand affixed the seal of my office this 10<sup>th</sup> day of  
February, 2010.

/s/ Robin Carnahan  
Secretary of State

### **OATH OF OFFICE**

Representative-elect Hope Whitehead advanced to the bar and subscribed to the oath of office which was administered by the Honorable Mary R. Russell, Judge of the Supreme Court of Missouri.

Representative-elect Pat Conway advanced to the bar and subscribed to the oath of office which was administered by the Honorable Daniel F. Kellogg, Judge of the 5<sup>th</sup> Circuit Court of Missouri.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 793 through House Resolution No. 811

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 62** was read the second time.

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 2014** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 2164** through **HB 2175** were read the second time.

**PERFECTION OF HOUSE BILL**

**HCS HB 1750**, relating to telecommunications access rates, was taken up by Representative Jones (89).

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Hobbs	Hoskins 121	Ice
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris

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Hodges	Hoskins 80	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Newman	Norr	Oxford	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Curls	Grisamore	Holsman	Hughes	McClanahan
Nolte	Pace			

VACANCIES: 001

On motion of Representative Jones (89), **HCS HB 1750** was adopted.

On motion of Representative Jones (89), **HCS HB 1750** was ordered perfected and printed by the following vote:

AYES: 123

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Brown 50	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Curls	Davis
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Funderburk	Grill	Hobbs	Hodges
Holsman	Hoskins 80	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McDonald
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Parkinson
Parson	Pratt	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Spreng	Stevenson	Storch	Stream
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Walsh	Walton Gray
Webb	Whitehead	Wilson 130	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		



NOES: 035

Aull	Bringer	Brown 30	Brown 149	Bruns
Cunningham	Day	Deeken	Dethrow	Dugger
Franz	Gatschenberger	Guernsey	Guest	Harris
Hoskins 121	Kelly	Kuessner	Largent	McClanahan
McGhee	Pollock	Quinn	Sater	Scavuzzo
Self	Smith 150	Still	Wallace	Wasson
Webber	Wells	Weter	Wilson 119	Witte

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Hughes	Pace	Sutherland
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VACANCIES: 001

### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 11** - Real ID and Personal Privacy  
**HCR 14** - Real ID and Personal Privacy  
**HCR 25** - Real ID and Personal Privacy  
**HCR 29** - Real ID and Personal Privacy  
**HCR 39** - Real ID and Personal Privacy  
**HCR 62** - Tourism

### REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 62** - Special Standing Committee on General Laws  
**HJR 74** - Real ID and Personal Privacy  
**HJR 88** - Real ID and Personal Privacy  
**HJR 94** - Elections

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS HBs 1311 & 1341** - Fiscal Review (Fiscal Note)  
**HB 1282** - Local Government  
**HB 1288** - Agriculture Policy  
**HB 1319** - Judiciary  
**HB 1323** - Transportation  
**HB 1372** - Energy and Environment  
**HB 1468** - Insurance Policy  
**HB 1491** - Small Business

**HB 1524** - Veterans  
**HB 1534** - Special Standing Committee on Children and Families  
**HB 1643** - Local Government  
**HB 1693** - Public Safety  
**HB 1705** - Rural Community Development  
**HB 1714** - Special Standing Committee on Professional Registration and Licensing  
**HB 1736** - Public Safety  
**HB 1756** - Agri-Business  
**HB 1786** - Special Standing Committee on General Laws  
**HB 1787** - Agri-Business  
**HB 1812** - Higher Education  
**HB 1827** - Public Safety  
**HB 1871** - Energy and Environment  
**HB 1894** - Judiciary  
**HB 1953** - Tax Reform  
**HB 1967** - Elementary and Secondary Education  
**HB 1977** - Public Safety  
**HB 1979** - Public Safety  
**HB 2014** - Budget  
**HB 2026** - Local Government  
**HB 2029** - Judiciary  
**HB 2034** - Ways and Means  
**HB 2040** - Ways and Means  
**HB 2047** - Energy and Environment  
**HB 2056** - Judiciary  
**HB 2058** - Insurance Policy  
**HB 2073** - Transportation  
**HB 2098** - Local Government  
**HB 2107** - Job Creation and Economic Development  
**HB 2114** - Veterans  
**HB 2131** - Tax Reform  
**HB 2165** - State Parks and Waterways  
**HB 2170** - Special Standing Committee on Professional Registration and Licensing

### **COMMITTEE REPORTS**

**Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1382**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1657**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1713**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1340**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1612**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Transportation**, Chairman Dixon reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1258**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1310**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1330**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1775**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1776**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1941**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2176**, introduced by Representatives Guest, Gatschenberger, Emery, Stevenson, Smith (150) and Ruestman, relating to the State Authority and Federal Tax Fund Act.

**HB 2177**, introduced by Representatives Kirkton, Jones (63) and Faith, relating to motor vehicle safety inspections.

**HB 2178**, introduced by Representatives Holsman, Schupp, LeBlanc, Roorda, Atkins, Oxford, Lampe, Kander, Walton Gray, Pace, Chappelle-Nadal, Englund and Calloway, relating to financing by municipalities for energy improvements.

**HB 2179**, introduced by Representatives LeBlanc, Curls, McDonald, Scavuzzo, Brown (50), Skaggs, Burnett, Webb, Jones (63), Morris, Calloway, Walton Gray, Pace, Carter, Talboy, Biermann, Aull, Kirkton, Rucker, Schieffer, Colona, Holsman, Nasheed, McNary and Kuessner, relating to the state health insurance pool.

**HB 2180**, introduced by Representatives Nieves, Schoeller, Smith (150), Harris, Jones (89), Emery, Cooper, Schaaf, Fisher (125), Allen, Guest, Ruestman, Jones (117), Davis, Deeken, McGhee and Munzlinger, relating to initiative and referendum petitions.

**HB 2181**, introduced by Representatives Munzlinger, Gatschenberger and Parson, relating to concealed carry endorsements.

**HB 2182**, introduced by Representatives Munzlinger and Smith (150), relating to agritourism.

**HB 2183**, introduced by Representatives Lampe, Schoemehl, Chappelle-Nadal, Still, McNeil, Atkins, Newman and Holsman, relating to the Missouri uniform building energy code.

**HB 2184**, introduced by Representatives Lampe, Still, Atkins and Oxford, relating to insurance coverage for habilitative services for children.

**HB 2185**, introduced by Representatives Schupp, Talboy, McNeil, Fischer (107), Jones (63), Nasheed, Oxford, Newman, Pace, Shively, Quinn, Todd, Diehl, Parkinson, Walton Gray and Aull, relating to sales tax exemptions.

**HB 2186**, introduced by Representative Still, relating to Karra's and Jocelyn's law.

**HB 2187**, introduced by Representative Grill, relating to special road district taxes.

**HB 2188**, introduced by Representative Diehl, relating to unemployment compensation.

**HB 2189**, introduced by Representative Smith (14), relating to the hero at home program.

**HB 2190**, introduced by Representative Wasson, relating to per diem for persons serving on certain professional registration committees or commissions.

**HB 2191**, introduced by Representatives Walsh, LeVota, Harris, Nance, Pace, Jones (89), Carter, Scavuzzo, Englund, Kratky, Skaggs, Atkins, Frame, Walton Gray, Meadows, Lampe, Corcoran, Schieffer, Fallert, Oxford and Funderburk, relating to the anticramming protection act.

**HB 2192**, introduced by Representative Viebrock, relating to board of education contract modifications.

**HB 2193**, introduced by Representative Cooper, relating to the provision of nutritional information by chain restaurants.

### **WITHDRAWAL OF HOUSE BILLS**

February 17, 2010

Adam Crumbliss, Chief Clerk  
House Administrator  
201 W. Capitol Ave.  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I wish to formally withdraw **House Bill No. 2068** and will file a revised bill at a later date. Please contact my office at (573) 751-2383 or email at james.morris@house.mo.gov.

Sincerely,

/s/ James T. Morris  
Representative  
District 58

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February 17, 2010

Mr Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives

Dear Mr. Crumbliss,

I hereby request that **House Bill No. 2175** be withdrawn.

Respectfully,

/s/ Rick Stream  
District 94  
Missouri House of Representatives

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, February 18, 2010.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 6.

Executive session will be at the beginning of the meeting.

Public hearing to be held on: HB 1747

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 5. CANCELLED

Executive session will be held on: HB 2010, HB 2011

### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Thursday, February 18, 2010, Hearing Room 7 upon morning adjournment. CANCELLED

Executive session will be held on: HB 2007

### **FISCAL REVIEW**

Thursday, February 18, 2010, 9:00 a.m. House Chamber south gallery.

Any bills referred to committee.

Executive session may follow.

### **FISCAL REVIEW**

Wednesday, February 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### **FISCAL REVIEW**

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### **JOINT COMMITTEE ON TAX POLICY**

Tuesday, February 23, 2010, 1:30 p.m. Senate Committee Room 1.

Discussions on Low-Income Housing Tax Credits.

Testimony by MO Housing Development Commission Director Pete Ramsel.

Under 21.810, RSMo, this meeting will conduct the annual election of Chairman and Vice Chairman.

### **JUDICIARY**

Thursday, February 18, 2010, Hearing Room 6 upon morning adjournment.

Executive session. CANCELLED

RURAL COMMUNITY DEVELOPMENT

Thursday, February 18, 2010, South Gallery upon morning adjournment.

Executive session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 1.

Working session.

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 22, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1892

TOURISM

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1691, HB 1268, HB 1677

VETERANS

Thursday, February 18, 2010, 9:30 a.m. House Chamber south gallery.

Executive session will be held on: HB 1893

WAYS AND MEANS

Thursday, February 18, 2010, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1392, HB 1420, HB 1424, HB 2048

**HOUSE CALENDAR**

TWENTY-FIFTH DAY, THURSDAY, FEBRUARY 18, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2176 through HB 2193

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HB 1684 - Zerr

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/15/2010)

- 1 HB 1208 - Day
- 2 HB 1559 - Brown (30)
- 3 HB 1745 - Day

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1675, (Fiscal Review 2-16-10) - Nolte
- 2 HCS HBs 1311 & 1341, (Fiscal Review 2-17-10) - Scharnhorst
- 3 HCS HB 1750 - Jones (89)

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCS SCR 35 & 32, (2-1-10, Pages 185-186) - Munzlinger



# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-FIFTH DAY, THURSDAY, FEBRUARY 18, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, blessed be Your holy name! We glorify You as Lord of the Universe. We thank You for the gift of this morning's sunshine.

We thank You for Your light of the Holy Spirit who is with us and within us. Through the Holy Spirit may we receive Your strengthening grace as we work together for the people of our State. We pray for the people, especially those who suffer illness, or pain or disability. We pray for those who suffer anxiety from being out of work or from not knowing how to make ends meet.

Give us the wisdom and knowledge to help lay a solid foundation on which the people can build their lives with a secure future.

To You be glory and honor forever. Amen.

The Roosevelt High School Marine Corps JROTC Cadets presented the Colors.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-fourth day was approved as printed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	McClanahan	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Parkinson

Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 002

Burnett Talboy

PRESENT: 000

ABSENT WITH LEAVE: 016

Brown 50	Carter	Cooper	Curls	Hughes
Low	McDonald	Pace	Roorda	Salva
Scavuzzo	Self	Tracy	Viebrock	Vogt
Webb				

VACANCIES: 001

### **SPECIAL RECOGNITION**

The Pike County R-III Lady Hawks Softball Team was introduced by Representative Witte and recognized for attaining the 2009 Class 1-A State Championship.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 812 through House Resolution No. 827  
House Resolution No. 829 and House Resolution No. 830

### **HOUSE RESOLUTIONS**

Representative Richard offered House Resolution No. 828.  
Representative Leara offered House Resolution No. 831.

### **SECOND READING OF HOUSE BILLS**

**HB 2176** through **HB 2193** were read the second time.

## COMMITTEE REPORTS

### Committee on Fiscal Review, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1311 & 1341** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1675** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

### THIRD READING OF SENATE CONCURRENT RESOLUTION

**SCS SCR 35 & 32**, relating to agricultural land values, was taken up by Representative Munzlinger.

On motion of Representative Munzlinger, **SCS SCR 35 & 32** was read the third time and passed by the following vote:

AYES: 143

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Conway	Cooper	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 011

Atkins	Colona	Franz	Kirkton	LeVota
Oxford	Sater	Schupp	Spreng	Still
Wallace				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Curis	Hughes	Low	Pace
Roorda	Viebrock	Webb		

VACANCIES: 001

Speaker Richard declared the bill passed.

### THIRD READING OF HOUSE BILLS

**HCS HB 1675**, relating to the Manufacturing Jobs Act, was taken up by Representative Nolte.

On motion of Representative Nolte, **HCS HB 1675** was read the third time and passed by the following vote:

AYES: 134

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Englund	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Grill	Grisamore	Guernsey	Guest
Hobbs	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Schoemehl
Schupp	Self	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 017

Bringer	Casey	Davis	Dethrow	Dusenberg
Fischer 107	Harris	Hodges	Kraus	Liese
Pratt	Quinn	Sander	Scavuzzo	Schieffer
Shively	Swinger			

PRESENT: 002

Low	Oxford
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ABSENT WITH LEAVE: 009

Curls	Gatschenberger	Hughes	Jones 63	Leara
Pace	Roorda	Viebrock	Webb	

VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt assumed the Chair.

**HCS HBs 1311 & 1341**, relating to autism spectrum disorder coverage, was taken up by Representative Scharnhorst

On motion of Representative Scharnhorst, **HCS HBs 1311 & 1341** was read the third time and passed by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Norr	Oxford	Parkinson	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells

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Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 018

Burlison	Cox	Davis	Day	Dethrow
Dugger	Emery	Ervin	Guernsey	Guest
Jones 89	Koenig	McNary	Parson	Pollock
Schoeller	Self	Stevenson		

PRESENT: 000

ABSENT WITH LEAVE: 009

Curls	Hughes	Jones 63	Leara	McGhee
Nolte	Pace	Roorda	Webb	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 1750**, relating to telecommunications access rates, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HCS HB 1750** was read the third time and passed by the following vote:

AYES: 111

Allen	Atkins	Biermann	Bivins	Brandom
Brown 50	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Grill	Grisamore
Hobbs	Hodges	Holsman	Hoskins 80	Hummel
Iceet	Jones 89	Kander	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	LeBlanc	LeVota	Liese
Lipke	Low	McDonald	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Parkinson	Parson	Pratt
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Schaaf	Schad	Scharnhorst	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Spreng	Storch	Stream	Swinger
Talboy	Tilley	Todd	Tracy	Viebrock
Vogt	Walsh	Walton Gray	Webber	Whitehead
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 040

Aull	Ayres	Bringer	Brown 30	Brown 149
Bruns	Cunningham	Davis	Day	Deeken
Dethrow	Dugger	Franz	Gatschenberger	Guernsey
Guest	Harris	Hoskins 121	Jones 117	Kelly
Kuessner	Largent	McClanahan	Pollock	Quinn
Sater	Scavuzzo	Schieffer	Self	Smith 150
Stevenson	Still	Sutherland	Thomson	Wallace
Wasson	Wells	Weter	Wilson 119	Witte

PRESENT: 000

ABSENT WITH LEAVE: 011

Curls	Dusenberg	Hughes	Jones 63	Leara
Loehner	McGhee	Pace	Roorda	Schlottach
Webb				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

**HR 828** - Rules

**HR 831** - Rules

### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 1899** - Public Safety

### COMMITTEE REPORTS

**Committee on Administration and Accounts**, Chairman Jones (117) reporting:

Mr. Speaker: Your Committee on Administration and Accounts, to which was referred **HR 628**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE RESOLUTION NO. 628

WHEREAS, Section 21.155, RSMo, provides that the House of Representatives may, by resolution, continue in employment such number of efficient employees after any adjournment of a regular session or sine die adjournment of the General Assembly as may be necessary for operation of the House; and

WHEREAS, the House of Representatives will have need for secretarial, administrative, and research, budget, and support staff after the adjournment of the House on May 14, 2010 and

WHEREAS, employees of the House of Representatives are designated and funded through appropriations, including those employees who may be needed for veto, special, or extraordinary sessions of the House:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives, Ninety-fifth General Assembly, may employ for the period between May 14, 2010, and January 5, 2011, such employees as are necessary to perform the duties of the House, not to exceed that amount authorized pursuant to appropriation. Such employees shall include necessary secretarial, administrative, and research, budget, and support staff personnel appointed by the Speaker whose terms of employment are established by the Committee on Administration and Accounts.

Mr. Speaker: Your Committee on Administrations and Accounts, to which was referred **HB 1571** and **HB 1645**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Agriculture Policy**, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HJR 86**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1692**, **HB 1209**, **HB 1405**, **HB 1499**, **HB 1535** and **HB 1811**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tax Reform**, Chairman Smith (14) reporting:

Mr. Speaker: Your Committee on Tax Reform, to which was referred **HB 1408** and **HB 1514**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tourism**, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1268**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1336**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1677**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1691**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1893**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2194**, introduced by Representatives Wells, Brandom, Wilson (130), Nance, Pollock and Day, relating to cosmetologists.

**HB 2195**, introduced by Representatives LeBlanc, Jones (63), Curls, Schieffer, Norr, Burnett, Brown (50), Calloway, Skaggs, Hoskins (80), Oxford, Walton Gray, Morris, Whitehead, Roorda, Scavuzzo, Grill, Carter, Gatschenberger, Chappelle-Nadal, McDonald, Still, Englund, Bringer, Newman and Aull, relating to absentee voting.

**HB 2196**, introduced by Representatives Schad, Parson, Jones (117), Bruns, Fisher (125), Cooper, Franz, Ruzicka, Pollock and Wells, relating to water and sewer services.

**HB 2197**, introduced by Representatives Munzlinger, Kratky, Nieves, Ruzicka, Gatschenberger, Riddle, Sander, and Icet, relating to the unlawful use of weapon.

**HB 2198**, introduced by Representatives Parson, Jones (117), Largent, Diehl, Cox, Roorda, Tilley and Stevenson, relating to motor vehicle franchise practices.

**HB 2199**, introduced by Representatives Dieckhaus, Funderburk, Grisamore, Emery and Ruestman, relating to the crime of stealing.

**HB 2200**, introduced by Representatives Dieckhaus, Tilley, Jones (89), Schaaf, Allen, Koenig, Emery and Schoeller, relating to charter schools.

**HB 2201**, introduced by Representative Cox, relating to residential mortgage professionals.

**HB 2202**, introduced by Representatives Schad, Cooper, Fisher (125) and Denison, relating to digital or electronic advertisement signs.

**HB 2203**, introduced by Representatives Stevenson, Schad and Flanigan, relating to a step therapy and prior authorization protocols website.

**HB 2204**, introduced by Representatives Stevenson, Ervin, Fisher (125), Lair, Brown (149), Schaaf, Guernsey, Burlison, Ruestman, Tilley, Jones (89), Funderburk, Diehl, Flanigan, Pratt, Allen, Flook, Keeney, Franz, Icet, Emery, Nieves, Dethrow, Day, Davis and Sater, relating to appropriations.

**HB 2205**, introduced by Representative Burlison, relating to documents and materials for health insurance enrollees.

**HB 2206**, introduced by Representatives Burlison, Schoeller, Silvey, Parkinson, McNary, Riddle, Allen, Emery, Funderburk, Largent, Diehl and Koenig, relating to the revised statutes of Missouri.

**HB 2207**, introduced by Representatives Keeney, Bruns, Jones (117) and Franz, relating to making a false declaration.

**HB 2208**, introduced by Representatives Meadows and Jones (89), relating to child support.

**HB 2209**, introduced by Representative Deeken, to authorize the conveyance of property owned by the state in Cole County to certain private property owners.

**HB 2210**, introduced by Representatives Schupp, Zimmerman, Diehl, Kirkton, Bringer and Skaggs, relating to third party candidates.

**HB 2211**, introduced by Representative Nasheed, relating to the property tax credit.

**HB 2212**, introduced by Representatives Davis, Parson, Parkinson, Funderburk, Koenig, Dusenberg, Pollock, Deeken, Dethrow, Brandom, Lipke, McGhee, Bivins, Stevenson and Gatschenberger, relating to a special license plate.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 578**, entitled:

An act to repeal sections 68.025, 68.040, and 68.070, RSMo, and to enact in lieu thereof nineteen new sections relating to port authorities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 580**, entitled:

An act to repeal sections 48.020, 49.310, 50.622, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 56.700, 58.030, 64.170, 67.110, 67.402, 67.1000, 67.1360, 67.1361, 67.2000, 68.025, 68.035, 68.040, 68.070, 70.220, 71.285, 94.510, 94.550, 94.577, 94.900, 94.902, 115.305, 115.342, 115.346, 137.180, 137.355, 138.431, 139.031, 139.100, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 165.071, 181.060, 184.362, 204.300, 204.569, 221.105, 226.720, 260.210, 321.130, 321.711, 473.739, and 473.742, RSMo, and to enact in lieu thereof one hundred seventeen new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 581**, entitled:

An act to amend chapter 77, RSMo, by adding thereto one new section relating to political subdivisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 588**, entitled:

An act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to projected property tax liability notices for certain counties.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 594**, entitled:

An act to repeal sections 193.125, 193.255, and 453.170, RSMo, and to enact in lieu thereof five new sections relating to adoption records.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 616**, entitled:

An act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to community health centers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 644**, entitled:

An act to repeal sections 67.1000, 67.1361, and 70.220, RSMo, and to enact in lieu thereof three new sections relating to taxes to fund tourism and convention centers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 670**, entitled:

An act to amend chapter 141, RSMo, by adding thereto one new section relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 693**, entitled:

An act to repeal sections 37.710, 37.715, and 210.566, RSMo, and to enact in lieu thereof six new sections relating to foster care and adoption promotion.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Webb.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, February 22, 2010.

### **COMMITTEE MEETINGS**

#### **AGRI-BUSINESS**

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 1291, HB 1352, HB 2076, HB 1206, HB 1756, HB 1669, HB 1787

#### **APPROPRIATIONS - EDUCATION**

Tuesday, February 23, 2010, 2:00 p.m. Hearing Room 1.

Executive session will be held on: HB 2002, HB 2003

#### **BUDGET**

Monday, February 22, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 2014, HB 1903, HJR 87

#### **BUDGET**

Tuesday, February 23, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Review appropriation committee amendments as available.

Public hearing to be held on: HB 2014, HB 1903, HJR 87

ENERGY AND ENVIRONMENT

Tuesday, February 23, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1372, HB 1871, HB 1667

FISCAL REVIEW

Wednesday, February 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow

HIGHER EDUCATION

Tuesday, February 23, 2010, House Chamber south gallery upon morning adjournment.

CORRECTED

Executive session will be held on: HB 1473, HB 1504

INSURANCE POLICY

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1764, HB 2058

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, February 23, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1860, HB 1410, HB 1457

JOINT COMMITTEE ON TAX POLICY

Tuesday, February 23, 2010, 1:30 p.m. Senate Committee Room 1.

Discussions on Low-Income Housing Tax Credits.

Testimony by MO Housing Development Commission Director Pete Ramsel.

Under 21.810, RSMo, this meeting will conduct the annual election of Chairman and Vice Chairman.

JUDICIARY

Monday, February 22, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session.

PUBLIC SAFETY

Tuesday, February 23, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1977, HB 1827

RULES - PURSUANT TO RULE 25(32)(f)

Monday, February 22, 2010, 3:00 p.m. Hearing Room 1.

Possible Executive session. AMENDED

Public hearings to be held on: HJR 76, HCS HJR 86, HCS HB 1472, HCS HB 1498, HCS HBs 1692, 1209, 1405, 1499, 1535 & 1811, HB 1741, HCS HB 1840

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 23, 2010, 2:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1444, HB 1445, HB 1516, HB 1965, HB 1993, HJR 63, HJR 78

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Monday, February 22, 2010, 2:00 p.m. Hearing Room 5.

Working session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, February 23, 2010, 12:00 p.m. Hearing Room 5.

Working session.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 22, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 1826

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 22, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1892

TRANSPORTATION

Tuesday, February 23, 2010.

Hearing Room 7, 12:00 p.m. or upon morning adjournment, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 1250, HB 1664, HB 2073

VETERANS

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1943, HB 1580, HB 1524

**HOUSE CALENDAR**

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 22, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2194 through HB 2212

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1542 - Deeken
- 2 HCS HB 1684 - Zerr

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/15/2010)

- 1 HB 1208 - Day
- 2 HB 1559 - Brown (30)
- 3 HB 1745 - Day

**SENATE BILLS FOR SECOND READING**

- 1 SS SB 578
- 2 SS SCS SB 580
- 3 SB 581
- 4 SS SCS SB 588
- 5 SCS SB 594
- 6 SCS SB 616
- 7 SCS SB 644
- 8 SB 670
- 9 SB 693

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-SIXTH DAY, MONDAY, FEBRUARY 22, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, You who looks down from heaven and sees all of mankind, who watches all the inhabitants of the earth from where You sit, who fashions the hearts of all and observes all their deeds; we acknowledge You this afternoon.

Thank You for Your timely help, sometimes in spite of our choices, decisions and obvious error. Thank You for hearing us when we pray.

Today, we decide to seek after Your wisdom. We focus our attention to search for it as a person searches for hidden treasure. As we do this, we know that You will help us to rightly discern and choose appropriately.

Thank You for granting us Your wisdom, knowledge and understanding today. Teach us to embrace what is true. Show us how to walk the path of integrity. Protect us in our coming and going.

Now may Your grace direct us, Your peace calm us, Your compassion lead us and Your mercy console us.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-fifth day was approved as printed by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil



Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Zerr
Zimmerman	Mr Speaker			

NOES: 002

Burnett Talboy

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 30	Brown 50	Calloway	Dixon	Stevenson
Tracy	Viebrock	Yaeger		

VACANCIES: 001

## SPECIAL RECOGNITION

The University of Missouri-Columbia Girls Soccer Team was introduced by Representative Still and recognized for attaining the 2009 Big 12 Conference Championship.

University of Missouri-Columbia Senior Mark Ellis was introduced by Representative Webber and recognized for attaining the NCAA heavy-weight national wrestling title.

The University of Missouri-Columbia Girls Softball Team was introduced by Representative Kelly and recognized for attaining the 2009 Big 12 Tournament Championship, the NCAA Regional Championship, the NCAA Super Regional Championship, and for their participation in the 2009 Women's College World Series.

## HOUSE RESOLUTION

Representative Allen offered House Resolution No. 852.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 832 through House Resolution No. 851  
House Resolution No. 853 through House Resolution No. 859

## **HOUSE CONCURRENT RESOLUTION**

Representative LeBlanc, et al., offered House Concurrent Resolution No. 63.

## **SECOND READING OF HOUSE BILLS**

**HB 2194** through **HB 2212** were read the second time.

## **SECOND READING OF SENATE BILLS**

**SS SB 578**, **SS SCS SB 580**, **SB 581**, **SS SCS SB 588**, **SCS SB 594**, **SCS SB 616**, **SCS SB 644**, **SB 670** and **SB 693** were read the second time.

## **PERFECTION OF HOUSE BILL**

**HB 1542** was placed on the Informal Calendar.

## **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 852** - Rules

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1351** - Public Safety  
**HB 2051** - Health Care Policy  
**HB 2053** - Elementary and Secondary Education  
**HB 2103** - Small Business  
**HB 2104** - Small Business  
**HB 2148** - Transportation  
**HB 2201** - Financial Institutions

## **COMMITTEE REPORTS**

**Committee on Rural Community Development**, Chairman Wilson (119) reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1207**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HJR 45, HJR 69 and HJR 70**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1446**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1842**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 76**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 86**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1472**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1498**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1692, 1209, 1405, 1499, 1535 & 1811**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1741**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1840**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### **ADVANCEMENT OF HOUSE CONSENT BILLS**

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 1208, HB 1559 and HB 1745**.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2213**, introduced by Representatives Riddle, Munzlinger, Parson and Jones (117), relating to immunity from civil liability for emergency care.

**HB 2214**, introduced by Representatives Nasheed, Walton Gray and Morris, relating to personalized learning plans.

**HB 2215**, introduced by Representative Nasheed, relating to sales taxes on food.

**HB 2216**, introduced by Representatives Kratky, Munzlinger, Meadows, Bruns, Flanigan, Wasson, Cunningham, Jones (117), Walsh, Schoemehl, Bringer, Quinn, Hodges, Oxford, Guernsey and Roorda, relating to unlawful use of weapons.

**HB 2217**, introduced by Representatives Kratky, Meadows, Bruns, Roorda, Norr, Walsh and Meiners, relating to unlawful use of a weapon.

**HB 2218**, introduced by Representatives Denison, Schlottach, Faith and Kingery, relating to the political subdivision construction bidding standards act.

**HB 2219**, introduced by Representatives LeBlanc, Hughes, Walton Gray, Pace, Schieffer, Scavuzzo, Burnett, McDonald, Holsman, Grill, Webb, Morris, Whitehead, Carter, Quinn, Skaggs, Hoskins (80), Nolte, Hoskins (121), McNary, Leara, Nasheed, Rucker and Jones (63), relating to the designation of Buck O'Neil Day in Missouri.

**HB 2220**, introduced by Representatives Dugger, Wells, Diehl and Kelly, relating to the oath of an election judge.

**HB 2221**, introduced by Representative Curls, relating to school retirement systems.

**HB 2222**, introduced by Representative Hobbs, relating to the insurers supervision, rehabilitation and liquidation act.

## COMMUNICATIONS

January 21, 2010

Mr. D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Section 105.461 of Missouri Revised Statutes, this letter is to notify you that I am the Development Director for Bridgeway Behavioral Health and raise money for domestic violence and sexual assault programs.

Thank you for your consideration.

Sincerely,

/s/ Sally A. Faith  
State Representative  
District 15

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February 18, 2010

Mr. D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a record of possible personal interest in legislation or appropriations on which the House of Representatives may vote during the legislative session. I have recently become an independent consultant with Blalock, Robert, Van, LLC, an investment banking firm in New York.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House. I thank you for your attention to this matter.

Sincerely,

/s/ Tishaura O. Jones , 63<sup>rd</sup> District  
Missouri State Representative

### **WITHDRAWAL OF HOUSE BILL**

February 22, 2010

The Honorable Ron Richard, Speaker  
Missouri House of Representatives  
State Capitol, Room 308  
Jefferson City, MO 65101

Dear Speaker Richard,

I respectfully request that **House Bill No. 2187** be withdrawn.

If you have questions or concerns please do not hesitate to contact me.

Best,

/s/ Jason Grill  
State Representative  
District 32

## **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Tuesday, February 23, 2010.

## **COMMITTEE MEETINGS**

### **ADMINISTRATION AND ACCOUNTS**

Wednesday, February 24, 2010, 3:00 p.m. Hearing Room 1.  
House employee resolution and phone policy.  
Possible Executive session to follow.

### **AGRI-BUSINESS**

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: HB 1291, HB 1352, HB 2076,  
HB 1206, HB 1756, HB 1669, HB 1787

### **APPROPRIATIONS - EDUCATION**

Tuesday, February 23, 2010, 2:00 p.m. Hearing Room 1.  
Executive session will be held on: HB 2002, HB 2003

### **BUDGET**

Tuesday, February 23, 2010, 8:00 a.m. Hearing Room 3.  
Executive session may follow.  
Review appropriation committee amendments as available.  
Public hearing to be held on: HB 2014, HB 1903, HJR 87

### **BUDGET**

Wednesday, February 24, 2010, 8:00 a.m. Hearing Room 3.  
Review appropriation committee amendments as available.  
Executive session may follow.  
Public hearing to be held on: HB 2014, HB 1903, HJR 87

### **BUDGET**

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 3.  
Review appropriation committee amendments as available.  
Executive session may follow.  
Public hearing to be held on: HB 2014, HB 1903, HJR 87

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, February 24, 2010, 3:00 p.m. Hearing Room 7.  
Executive session only. CORRECTED

CRIME PREVENTION

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1451

ELECTIONS

Wednesday, February 24, 2010, 8:15 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1541, HJR 94

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 24, 2010, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2053

ENERGY AND ENVIRONMENT

Tuesday, February 23, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1372, HB 1871, HB 1667

FISCAL REVIEW

Wednesday, February 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow

HEALTH CARE POLICY

Wednesday, February 24, 2010, Hearing Room 6, 12:00 p.m. or upon adjournment.

Executive session may follow.

Public hearing to be held on: HB 1898, HB 1650

HEALTHCARE TRANSFORMATION

Tuesday, February 23, 2010, 5:00 p.m. Hearing Room 6.

Executive session.

HIGHER EDUCATION

Tuesday, February 23, 2010, House Chamber south gallery upon morning adjournment.

CORRECTED

Executive session will be held on: HB 1473, HB 1504

INSURANCE POLICY

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1764, HB 2058

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, February 23, 2010, 4:00 p.m. Hearing Room 4.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1860, HB 1410, HB 1457

JOINT COMMITTEE ON TAX POLICY

Tuesday, February 23, 2010, 1:30 p.m. Senate Committee Room 1.

Discussions on Low-Income Housing Tax Credits.

Testimony by MO Housing Development Commission Director Pete Ramsel.

Under 21.810, RSMo, this meeting will conduct the annual election of Chairman and Vice Chairman.

LOCAL GOVERNMENT

Wednesday, February 24, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1282, HB 1592, HB 1594, HB 2026, HB 1643, HB 2098

PUBLIC SAFETY

Tuesday, February 23, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1977, HB 1827

REAL ID AND PERSONAL PRIVACY

Tuesday, February 23, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HCR 11, HCR 25, HCR 29, HJR 88, HCR 14, HB 1265

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 24, 2010, 8:45 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, February 23, 2010, 5:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearing to be held on: HB 1945

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, February 23, 2010, 2:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1444, HB 1445, HB 1516, HB 1965, HB 1993, HJR 63, HJR 78



SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, February 23, 2010, 12:00 p.m. Hearing Room 5.

Working session.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1997, HB 2170

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 24, 2010, House Chamber south gallery upon morning adjournment.

Executive session.

TAX REFORM

Wednesday, February 24, 2010, 9:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 2131, HB 1953

TRANSPORTATION

Tuesday, February 23, 2010.

Hearing Room 7, 12:00 p.m. or upon morning adjournment, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 1250, HB 1664, HB 2073

UTILITIES

Tuesday, February 23, 2010, 12:00 p.m. Hearing Room 1.

Executive session will be held on: HB 1610, HB 1633

VETERANS

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1943, HB 1580, HB 1524

**HOUSE CALENDAR**

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 23, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2213 through HB 2222

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 76 - Dethrow
- 2 HCS HJR 86 - Loehner

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS HB 1498 - Jones (89)
- 3 HB 1741 - Pratt

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/23/2010)

HCS HB 1840 - Wright

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1559 - Brown (30)
- 3 HB 1745 - Day

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 23, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Cathedral of St. Joseph, Jefferson City, MO.

O God, You are always the same, Your saving truth never lets us down and patient love never lets us go. Make us conscious of Your presence as in spirit we stand before You in the morning moment of meditation. Speak Your Word to us and give us ears to hear, minds to heed, and hands and feet to do Your will, in Your way, for Your work.

Humble us in our pride, strengthen us in our weakness, and make us great in heart when we would be little in spirit that we may have joy in our endeavors and peace in our hearts.

Bless our state and every institution, every person, every effort made which helps us to love one another and to live together in peace. May Your kingdom come and Your will be done in us now. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-sixth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 860 through House Resolution No. 868

## SECOND READING OF HOUSE BILLS

**HB 2213** through **HB 2222** were read the second time.

Representative Tilley suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 130

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Cooper	Corcoran	Cox	Curls	Davis
Deeken	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Grill	Guernsey	Guest	Harris	Hodges

Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Leara
LeBlanc	LeVota	Liese	Lochner	Low
McNary	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Parkinson	Parson
Pratt	Quinn	Riddle	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 005

Burnett	Kelly	Roorda	Spreng	Vogt
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ABSENT WITH LEAVE: 027

Brown 30	Brown 50	Colona	Conway	Cunningham
Day	Denison	Gatschenberger	Grisamore	Hobbs
Keeney	Largent	Lipke	McClanahan	McDonald
McGhee	McNeil	Pace	Pollock	Ruestman
Schoemehl	Self	Stevenson	Tracy	Viebrock
Walton Gray	Wright			

VACANCIES: 001

## REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 24** - Higher Education

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1254** - Rural Community Development

**HB 1263** - Local Government

**HB 1538** - Public Safety

**HB 1625** - Insurance Policy

**HB 1960** - Special Standing Committee on Workforce Development and Workplace Safety

## COMMITTEE REPORTS

### **Committee on Corrections and Public Institutions**, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 1494**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 1707**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **HCR 46**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## HOUSE CONCURRENT RESOLUTION NO. 46

WHEREAS, energy policy and regulation are vital to Missouri's economy and which have a direct impact on Missouri families, farmers, businesses, and employees; and

WHEREAS, H.R. 2454, the American Clean Energy and Security Act of 2009, also known as the "Waxman-Markey" and "Cap and Trade", passed by the United States House of Representatives and now pending before the United States Senate, will have a dramatic effect on every American, increase the cost of supplying homes and businesses with electricity, cause job losses, and impose burdensome costs on the poor and families with incomes of less than \$10,000 annually for whom energy costs today make up 60% of their average family expenses, and for families with incomes of \$10,000 to \$25,000 annually, such costs make up 25% of their average family expenses; and

WHEREAS, on December 7, 2009, the Administrator for the Environmental Protection Agency (EPA) signed two distinct findings regarding greenhouse gases under Section 202(c) of the federal Clean Air Act:

(1) Endangerment Finding: the Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases - carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>) - in the atmosphere threaten the public health and welfare of current and future generations;

(2) Cause and Contribute Finding: the administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare; and

WHEREAS, this finding by the EPA, if implemented, will cost Missouri jobs and raise electric rates on families, farmers, businesses, and employees; and

WHEREAS, the people of Missouri are dependent on coal for their electricity, obtaining approximately 80 - 85% of electrical energy from coal for their homes, farms, and businesses. This heavy dependence on coal is common throughout the Midwestern states; and

WHEREAS, Missouri's electric rates consistently rank among the lowest cost states in the union, and is one of only three states in the United States to see electricity rates drop in the years 2000 to 2008, and by the largest percentage (6%), making Missouri attractive to business and industry, creating jobs, and making Missouri a low-cost place to live; and

WHEREAS, the technology of the 21st Century is providing cleaner yet still affordable baseload electrical generation from coal, including Super Critical Pulverized Coal (Prairie State in Illinois) and Ultra Supercritical Pulverized Coal (Turk in Arkansas) as well as developing options for coal to liquids, coal to gas, and carbon sequestration; and

WHEREAS, the focus in Missouri and throughout the coal-dependent Midwest should be on how to use technology to burn coal more cleanly and move towards cleaner burning options like Ultra Supercritical Pulverized Coal, rather than a punitive system that drives up costs, leads to lower baseload energy production, and inhibits or prevents progress on a fuel that the United States has in abundance within its own borders:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby:

(1) Request that our elected statewide officials express their opposition to the further acceptance or approval of the Environmental Protection Agency formal endangerment finding on greenhouse gases;

(2) Convey that it is not well taken by and harmful to the State of Missouri;

(3) Urge the Environmental Protection Agency to rescind their recent formal endangerment finding on greenhouse gases; and

BE IT FURTHER RESOLVED that the Missouri General Assembly hereby urges our Missouri Congressional delegation to vote against H.R. 2454, the American Clean Energy Act of 2009, and further requests that our elected statewide officials express their respective positions on the passage of H.R. 2454 and send a unified message to our Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, President Barack Obama, President of the United States Senate, Speaker of the United States House of Representatives, the Administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2223**, introduced by Representatives Morris, Pace, Webb, Walton Gray, Oxford and Atkins, relating to deposits required by public utilities.

**HB 2224**, introduced by Representatives Loehner, Weter, Wright, Fisher (125), Kuessner, Sutherland and Hughes, relating to the Missouri farmland trust.

**HB 2225**, introduced by Representatives Loehner, Wallace, Wilson (119), Ruzicka, Schlottach, Munzlinger and Wright, relating to wild or feral swine.

**HB 2226**, introduced by Representative Wasson, relating to marital and family therapists.

**HB 2227**, introduced by Representatives Lampe, Still, Schoemehl, Kelly, Chappelle-Nadal, McNeil, Atkins, Kander, Corcoran, Oxford, Komo, Meadows, Fallert, Harris, Calloway, Webber, Scavuzzo, Shively, Whitehead, Casey, Burnett and Walton Gray, relating to bargaining for public employees.

## COMMITTEE APPOINTMENTS

February 23, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Pat Conway to fill the vacancy on the Appropriations-Agriculture and Natural Resources Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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February 23, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Vicki Englund from the Special Standing Committee on Urban Issues. I hereby appoint Representative Hope Whitehead to fill the vacancy on the Special Standing Committee on Urban Issues.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

February 23, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Chris Kelly from the Special Standing Committee on Emerging Issues in Animal Agriculture. I hereby appoint Representative Pat Conway to the Special Standing Committee on Emerging Issues in Animal Agriculture.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

---

February 23, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Margo McNeil from the Ways and Means Committee. I hereby appoint Representative Hope Whitehead to fill the vacancy on the Ways and Means Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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February 23, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Hope Whitehead to fill the vacancy on the Real ID and Personal Privacy Committee.



If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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February 23, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Hope Whitehead to fill the vacancy on the Homeland Security Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

The following members' presence was noted: Brown (30), Colona, Cunningham, Day, Denison, Gatschenberger, Grisamore, Hobbs, Keeney, Largent, McClanahan, McDonald, McGhee, McNeil, Pace, Pollock, Ruestman, Schoemehl, Self, Tracy, Viebrock, Walton Gray and Wright.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, February 24, 2010.

### **COMMITTEE MEETINGS**

#### **ADMINISTRATION AND ACCOUNTS**

Wednesday, February 24, 2010, 3:00 p.m. Hearing Room 1.  
House employee resolution and phone policy.  
Possible Executive session to follow.

#### **AGRI-BUSINESS**

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: HB 1291, HB 1352, HB 2076,  
HB 1206, HB 1756, HB 1669, HB 1787

AGRICULTURE POLICY

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 6.

Possible Executive session.

Public hearing to be held on: HB 1496

BUDGET

Wednesday, February 24, 2010, 8:00 a.m. Hearing Room 3.

Review appropriation committee amendments as available.

Executive session may follow.

Public hearing to be held on: HB 2014, HB 1903, HJR 87

BUDGET

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 3.

Review appropriation committee amendments as available.

Executive session may follow.

Public hearing to be held on: HB 2014, HB 1903, HJR 87

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, February 24, 2010, 3:00 p.m. Hearing Room 7.

Executive session only. CORRECTED

CRIME PREVENTION

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1451

ELECTIONS

Wednesday, February 24, 2010, 8:15 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1541, HJR 94

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 24, 2010, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2053

FISCAL REVIEW

Wednesday, February 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

FISCAL REVIEW

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, February 24, 2010, 6:00 p.m. Hearing Room 5.  
Working session on HB 1918.

HEALTH CARE POLICY

Wednesday, February 24, 2010, Hearing Room 6 12:00 p.m. or upon adjournment.  
Executive session may follow.  
Public hearing to be held on: HB 1898, HB 1650

INSURANCE POLICY

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 1764, HB 2058

JUDICIARY

Wednesday, February 24, 2010, 1:00 p.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 1607, HB 1609, HB 1654, HB 2029, HB 2056

LOCAL GOVERNMENT

Wednesday, February 24, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may be held.  
Public hearing to be held on: HB 1282, HB 1592, HB 1594, HB 2026, HB 1643, HB 2098

PUBLIC SAFETY

Wednesday, February 24, 2010, 2:00 p.m. House Chamber south gallery.  
Executive session only.

SENIOR CITIZEN ADVOCACY

Wednesday, February 24, 2010, 5:00 p.m. Hearing Room 1.  
Executive session.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, February 24, 2010, 8:45 a.m. Hearing Room 1.  
Executive session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 5.  
Working session.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 24, 2010, 12:00 p.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: HB 1997, HB 2170

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, February 24, 2010, House Chamber south gallery upon morning adjournment.  
Executive session.

**STATE PARKS AND WATERWAYS**

Thursday, February 25, 2010, 9:00 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: HCR 16, HB 2165

**TAX REFORM**

Wednesday, February 24, 2010, 9:00 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 2131, HB 1953

**TOURISM**

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 1778, HCR 52, HCR 53, HCR 62

**VETERANS**

Wednesday, February 24, 2010, 2:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 1943, HB 1580, HB 1524

**WAYS AND MEANS**

Thursday, February 25, 2010, 8:30 a.m. Hearing Room 5.  
Possible Executive session.  
Public hearing to be held on: HB 1767, HB 1900

**HOUSE CALENDAR**

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 24, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2223 through HB 2227

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 76 - Dethrow
- 2 HCS HJR 86 - Loehner

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS HB 1498 - Jones (89)
- 3 HB 1741 - Pratt

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/23/2010)

HCS HB 1840 - Wright

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 24, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

We live within Your shadow, Almighty, sheltered by the God who is above all gods. You alone are our refuge, our place of safety; the One in whom we place our trust. (*Psalms 91:1-2*)

As we continue through this week, help us through the difficult moments of worry, discouragement, despair, disappointment or distrust. Remind us daily, of life's small pleasures: the brief moments of respite, the laughter of a colleague, the love of family, purposeful duty and a good night sleep at the end of a long day.

Help us to reject the desire of our ego today. We don't want to be wise in our own eyes, so help us to resist pride. We refuse to reject any corrections, realignments or adjustments that You may bring our way. Help us to, instead, recognize and humbly accept wise counsel.

Now to Him Who is able to keep us from faltering, Who alone is wise, be glory and majesty, dominion and power, both now and forever.

In the name of Your Son, I pray. Amen.

(*Excerpts from "Proverb Prayers"*)

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Leslie Caldwell, Heather Silvey, Nichole Terry, Heather Ivy, Lindsey Smith, Jenna Humphreys, Chelsea Plumier, Ruby Peters, Savanna Day and Haley Bass.

The Journal of the twenty-seventh day was approved as printed.

## SPECIAL RECOGNITION

The Hazelwood Central High School Football team was introduced by Representative Webb and recognized for attaining the 2008 and 2009 Class 6A State Championships.

Andrew McCall of Truman State University was introduced by Representative McClanahan and recognized for being named a 2010 Rhodes Scholar.

World War II Veteran Tuskegee Airmen and Buffalo Soldiers were introduced by Representative Rucker and recognized for their military service and for their role in shaping the nation's history.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 869 through House Resolution No. 898

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Low offered House Concurrent Resolution No. 64.  
Representative Nolte, et al., offered House Concurrent Resolution No. 65.

### **SECOND READING OF HOUSE BILLS**

**HB 2223** through **HB 2227** were read the second time.

Speaker Pro Tem Pratt assumed the Chair.

### **PERFECTION OF HOUSE BILLS**

**HCS HB 1498**, relating to payment of health insurance claims, was taken up by Representative Jones (89).

Representative Franz offered **House Amendment No. 1**.

Representative Smith (150) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Ervin offered **House Amendment No. 2**.

Representative Smith (150) raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Roorda offered **House Amendment No. 3**.

**House Amendment No. 3** was withdrawn.

On motion of Representative Jones (89), **HCS HB 1498** was adopted.

On motion of Representative Jones (89), **HCS HB 1498** was ordered perfected and printed by the following vote:

AYES: 158

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

McDonald	Stevenson	Viebrock	Webb
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VACANCIES: 001

Representative Nieves assumed the Chair.

**HB 1741**, relating to board meetings of corporations, was taken up by Representative Pratt.

Representative Newman offered **House Amendment No. 1**.



Representative Pratt raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Sutherland	Thomson
Tilley	Tracy	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McNeil
Meadows	Meiners	Morris	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

McDonald

Stevenson

Viebrock

Wallace

Webb

VACANCIES: 001

On motion of Representative Pratt, **HB 1741** was ordered perfected and printed.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 43** - Special Standing Committee on Professional Registration and Licensing  
**HCR 58** - Tourism  
**HCR 63** - Tourism

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1252** - Judiciary  
**HB 1313** - Crime Prevention  
**HB 1448** - Crime Prevention  
**HB 1449** - Special Standing Committee on Professional Registration and Licensing  
**HB 1634** - Financial Institutions  
**HB 1658** - Financial Institutions  
**HB 1739** - Public Safety  
**HB 1808** - Insurance Policy  
**HB 1864** - Agri-Business  
**HB 1947** - Public Safety  
**HB 1957** - Judiciary  
**HB 1964** - Healthcare Transformation  
**HB 2038** - Utilities  
**HB 2072** - Health Care Policy  
**HB 2111** - Transportation  
**HB 2147** - Veterans  
**HB 2159** - Transportation  
**HB 2161** - Real ID and Personal Privacy  
**HB 2198** - Special Standing Committee on Professional Registration and Licensing  
**HB 2213** - Public Safety  
**HB 2219** - Tourism  
**HB 2220** - Elections  
**HB 2226** - Special Standing Committee on Professional Registration and Licensing

## COMMITTEE REPORTS

### **Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 87**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 1903**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2014**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1831**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1270**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1841**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was returned **HCS HBs 1692, 1209, 1405, 1499, 1535 & 1811**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was returned **HCS HB 1472**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Emerging Issues in Animal Agriculture**, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was referred **HB 1662**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 97**, introduced by Representatives Dieckhaus, Funderburk and Jones (89), relating to the membership of the state board of education.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2228**, introduced by Representative Day, relating to transient guest taxes.

**HB 2229**, introduced by Representatives Schoemehl, Wasson and Dougherty, relating to dental hygienists.

**HB 2230**, introduced by Representatives Stream, Lampe, Nasheed, Oxford and McNary, relating to charter schools.

**HB 2231**, introduced by Representative Wasson, relating to cremation of human remains.

**HB 2232**, introduced by Representatives Low, Chappelle-Nadal, Pace, Webber, Oxford, Brown (50), Meiners, Kander, Carter, Jones (63), Komo, McDonald, Norr, LeVota, Hoskins (80), Calloway, Schupp, Newman, Kelly, Atkins, McClanahan, Curls, Walton Gray, Talboy, McNeil, Englund, Kirkton, Colona, Lampe, Webb, Aull, Corcoran, Zimmerman, Still, Burnett, Morris, Nasheed, Wallace, Storch, Holsman, LeBlanc, Vogt and Spreng, relating to reducing the number of abortions in the state through the prevention first act.

**HB 2233**, introduced by Representatives Bruns and Roorda, relating to the regulation and licensing of fire equipment distributors.

**HB 2234**, introduced by Representative Pratt, relating to the regulation of barber and cosmetology licensure.

**HB 2235**, introduced by Representatives Meadows, Dixon, Faith, Kuessner, Fallert, McDonald, Ayres, Dusenberger, Kirkton, Schieffer and Munzlinger, relating to speciality license plates.

**HB 2236**, introduced by Representatives Cox, Gatschenberger, Stevenson, Nance and Bivins, relating to private attorney retention act.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 31**.

### SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, international education is a critical component of higher education in Missouri and contributes to the economy of the state and to a diverse college environment, enhancing both academic and extra-curricular programs; and

WHEREAS, international education is critical to promoting a broadened worldview and therefore preparing Missourians for life and work in the global economy and creating a diverse academic environment by exchanging scholars and students between countries and building the foundation for future business success; and

WHEREAS, higher education should emphasize international education, including foreign language instruction and study abroad, in order to ensure graduates have the cross-cultural skills necessary to function effectively in the global workforce; and

WHEREAS, the Missouri General Assembly recognizes the social importance of cultural awareness, the need to promote study-abroad programs that serve Missouri students and the economic significance of international students who come to Missouri for educational opportunities provided by the state; and

WHEREAS, Missouri public and independent institutions of higher education and the Missouri Department of Higher Education, recognizing the importance of internationalizing curriculum and experiential learning, collaboratively established the Study Missouri Consortium; and

WHEREAS, the Study Missouri Consortium functions to support and enhance the capacity of member institutions, individually and collectively, to foster international experiences and cross-cultural competence among students, faculty, and citizens of Missouri and to facilitate communication, cooperation, and expansion of international educational activities and exchanges in the State of Missouri; and

WHEREAS, the net contribution to our state's economy by international students and their families was estimated at over \$270 million in 2008-2009 and a strategy at the state and national level is needed to ensure America's status as a magnet for international students and scholars; and

WHEREAS, the economy of Missouri is inextricably tied to the rest of the world and state economic development depends upon a deliberate strategic development plan that includes recognition of the role of international education in all its facets; and

WHEREAS, heightened cultural awareness is critical to national interests and is a critical component of foreign policy, and Missouri's colleges and universities play a key role in developing foreign language and foreign-area expertise by promoting language study, study abroad, and faculty exchange programs; and

WHEREAS, the United States' national security and economic interests and competitiveness depend significantly on the country's ability to provide future leaders with the best education possible:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that international education is an essential component of the future of the State of Missouri and the Missouri General Assembly supports and encourages students and faculty to promote international education as a part of curricular and extra-curricular life at the state's colleges and universities to ensure that students and future leaders are prepared to meet the challenges of a global society; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each institution of higher education in this state.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1540**, entitled:

An act to repeal sections 304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twelve new sections relating to infractions, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1540, Page 3, Section 304.015, Line 67, by inserting after all of said line the following:

"304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

(1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or

(2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, "truck" means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B misdemeanor**, or unless an accident results from such violation, in which case such violation is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Viebrock and Webb.

**ADJOURNMENT**

On motion of Representative Self, the House adjourned until 10:00 a.m., Thursday, February 25, 2010.

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 6.

Possible Executive session.

Public hearing to be held on: HB 1496

### BUDGET

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 3.

Review appropriation committee amendments as available.

Executive session may follow. CANCELLED

Public hearing to be held on: HCS HB 2014, HCS HB 1903, HCS HJR 87

### FISCAL REVIEW

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

### FISCAL REVIEW

Wednesday, March 3, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### FISCAL REVIEW

Thursday, March 4, 2010, 9:00 a.m. House Chamber south gallery.

Executive session may follow.

### HIGHER EDUCATION

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1812, HCR 24

### RULES - PURSUANT TO RULE 25(32)(f)

Thursday, February 25, 2010, Hearing Room 1 upon morning adjournment.

Possible Executive session.

Public hearings to be held on: HB 1258, HB 1268, HB 1310, HB 1330, HB 1336, HB 1340, HCS HB 1382, HCS HBs 1408 & 1514, HB 1519, HCS#2 HB 1543, HB 1612, HB 1657, HB 1677, HB 1691, HB 1713, HB 1775, HB 1776, HB 1941, HCS HJRs 45, 69 & 70

### SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Thursday, February 25, 2010, House Chamber side gallery upon morning adjournment.

Executive session. CORRECTED

### SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Thursday, February 25, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1404

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 5.

Working session.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 1, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session will be held on: HB 1601, HB 1826

STATE PARKS AND WATERWAYS

Thursday, February 25, 2010, 9:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HCR 16, HB 2165

TOURISM

Thursday, February 25, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1778, HCR 52, HCR 53, HCR 62

TOURISM

Thursday, March 4, 2010, 9:00 a.m. House Lounge.

Joint meeting of the House and Senate Tourism Committees and the Tourism Commission.

Presentation of the annual report of the Tourism Commission.

UTILITIES

Thursday, February 25, 2010, 9:00 a.m. House Chamber south gallery. CANCELLED

Executive session will be held on: HB 1633

WAYS AND MEANS

Thursday, February 25, 2010, 8:30 a.m. Hearing Room 5.

Possible Executive session.

Public hearing to be held on: HB 1767, HB 1900



## **HOUSE CALENDAR**

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 25, 2010

### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 97

### **HOUSE BILLS FOR SECOND READING**

HB 2228 through HB 2236

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 76 - Dethrow
- 2 HCS HJR 86 - Loehner
- 3 HCS HJRs 48, 50 & 57 - Jones (89)

### **HOUSE BILLS FOR PERFECTION**

HCS HB 1684 - Zerr

### **HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(2/23/2010)

HCS HB 1840 - Wright

### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1498 - Jones (89)
- 2 HB 1741 - Pratt

### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)

### **HOUSE BILLS WITH SENATE AMENDMENTS**

HCS HB 1540, SA 1, E.C. - Lipke

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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TWENTY-NINTH DAY, THURSDAY, FEBRUARY 25, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Robert A. Kurwicki.

O Lord, our God, infinite in wisdom, power, and love, we come to You conscious of our needs and with the confidence that You are with us to lead us in Your way, to strengthen us to do Your will, and to be our inspiration as we do our duty and make ourselves ready for the responsibilities of this day.

May the blessings of health, courage, and moral strength be ours and may our lives show their gratitude by good conduct motivated by genuine motives.

Bless this House of Representatives and all the institutions of our beloved state. Increase the faith of our people in our government and may the leaders prove themselves worthy of their trust. Forgive our shortcomings, save us from hypocrisy and from forever justifying ourselves. Simply let us do our best and leave the rest to You. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Micah Melling.

The Journal of the twenty-eighth day was approved as corrected.

## SPECIAL RECOGNITION

Terri Patton Hobson, mother of Lance Corporal Jack T. Kenner, United States Marine Corp, who honorably served our country during the Global War on Terror, was introduced by Representative Kratky and recognized as a Gold Star Mother of America.

Sandy Deraps, mother of Lance Corporal Leon B. Deraps, United States Marine Corp, who honorably served our country during the Global War on Terror, was introduced by Representative Jones (117) and recognized as a Gold Star Mother of America.

NASCAR Driver Jamie McMurray, a native of Joplin, Missouri, was introduced by Speaker Richard and recognized for his First Place finish at the 2010 Daytona 500.

Mr. McMurray addressed the House.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 899 through House Resolution No. 924

## HOUSE CONCURRENT RESOLUTIONS

Representative Dixon, et al., offered House Concurrent Resolution No. 66.

Representative Sutherland, et al., offered House Concurrent Resolution No. 67.

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 97** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2228** through **HB 2236** were read the second time.

## THIRD READING OF HOUSE BILLS

**HCS HB 1498**, relating to the payment of health insurance claims, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HCS HB 1498** was read the third time and passed by the following vote:

AYES: 157

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kuessner	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs

Smith 14	Smith 150	Spreng	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Calloway	Diehl	Kraus	Lair	Stevenson
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VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1741**, relating to board meetings of corporations, was taken up by Representative Pratt.

On motion of Representative Pratt, **HB 1741** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kuessner	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Parkinson	Parson
Pollock	Pratt	Riddle	Roorda	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells

Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 007

Burnett	Frame	Low	Quinn	Skaggs
Spreng	Vogt			

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Diehl	Hughes	Kraus	Lair
McNary	Pace	Rucker	Stevenson	Webber

VACANCIES: 001

Speaker Richard declared the bill passed.

### HOUSE BILL WITH SENATE AMENDMENT

**HCS HB 1540, with Senate Amendment No. 1**, relating to infractions, was taken up by Representative Lipke.

Representative Lipke moved that the House concur in Senate Amendment No. 1.

Which motion was defeated by the following vote:

AYES: 075

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Iceet
Jones 89	Keeney	Kingery	Koenig	Leara
Lipke	McNary	Molendorp	Munzlinger	Nance
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Scharnhorst	Schlottach	Schoeller	Smith 14
Smith 150	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 079

Atkins	Aull	Bringer	Brown 50	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Dethrow	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Jones 117	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	Largent

LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Nieves	Norr
Oxford	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schad	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Wallace	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Diehl	Kraus	Lair	McGhee
Pace	Self	Stevenson		

VACANCIES: 001

Representative Lipke moved that the House refused to concur in **Senate Amendment No. 1** to **HCS HB 1540** and request the Senate to recede from its position and take up and pass the bill.

Which motion was adopted.

### RECESS

On motion of Representative Jones (89), the House recessed until the close of business this day to receive messages from the Senate and then stand adjourned until 4:00 p.m., Monday, March 1, 2010.

The hour of recess having expired, the House was called to order by Speaker Richard.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate receded from its position on **SA 1** to **HCS HB 1540** and has taken up and passed **HCS HB 1540**.

Emergency clause adopted.

### SIGNING OF HOUSE BILL

All other business of the House was suspended while **HCS HB 1540** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HCS HB 1540** was delivered to the Governor by the Chief Clerk of the House.

### **SIGNING OF SENATE CONCURRENT RESOLUTION**

All other business of the House was suspended while **SCS SCR 35 & 32** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1235** - Special Standing Committee on Children and Families  
**HB 1274** - Elementary and Secondary Education  
**HB 1495** - Healthcare Transformation  
**HB 1848** - Agriculture Policy  
**HB 1970** - Transportation  
**HB 1974** - Energy and Environment  
**HB 1989** - Special Standing Committee on Professional Registration and Licensing  
**HB 1990** - Special Standing Committee on Professional Registration and Licensing  
**HB 2097** - Transportation  
**HB 2109** - State Parks and Waterways  
**HB 2122** - Retirement  
**HB 2182** - Agri-Business  
**HB 2190** - Special Standing Committee on Professional Registration and Licensing  
**HB 2196** - Utilities  
**HB 2205** - Health Care Policy  
**HB 2229** - Special Standing Committee on Professional Registration and Licensing  
**HB 2231** - Special Standing Committee on Professional Registration and Licensing  
**HB 2235** - Transportation

### **COMMITTEE REPORTS**

**Committee on Agriculture Policy**, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1747**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1541**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Senior Citizen Advocacy**, Chairman Nance reporting:

Mr. Speaker: Your Committee on Senior Citizen Advocacy, to which was referred **HB 1521** and **HB 1302**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Senior Citizen Advocacy, to which was referred **HB 1631**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tax Reform**, Chairman Smith (14) reporting:

Mr. Speaker: Your Committee on Tax Reform, to which was referred **HB 1316**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tourism**, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HCR 52**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 52

WHEREAS, sickle cell disease is an inherited blood disorder that affects red blood cells. People with sickle cell disease have red blood cells that contain an abnormal type of hemoglobin; and

WHEREAS, normal red blood cells contain hemoglobin A. Hemoglobin S and hemoglobin C are abnormal types of hemoglobin; and

WHEREAS, red blood cells containing mostly hemoglobin S do not live as long as normal red blood cells and have difficulty passing through the body's small vessels. These hemoglobin S red blood cells can block small blood vessels, resulting in tissue damage due to less blood reaching that portion of the body; and

WHEREAS, sickle cell trait is an inherited condition in which both hemoglobin A and S are produced in the red blood cells, always more A than S. Sickle cell trait is not a type of sickle cell disease; and

WHEREAS, sickle cell conditions are inherited from parents in much the same way as blood type, hair color and texture, eye color and other physical traits. The types of hemoglobin a person makes in the red blood cells depend upon what hemoglobin genes the person inherits from his or her parents; and

WHEREAS, since sickle cell conditions are inherited from parents, it is important for people to be aware if they are a carrier before having children; and

WHEREAS, more than 80,000 people in the United States have sickle cell disease, affecting mostly persons of African heritage according to the National Institute of Health. Currently, there is no universal cure for sickle cell disease; and

WHEREAS, sickle cell disease results in a shortened life expectancy, with the average life expectancy being 42 years for men and 48 years for women; and



WHEREAS, based on the population of 5 million in the State of Missouri, 600,000 are African American. 1 out of 400 suffers with sickle cell conditions and 1 out of 12 has the sickle cell trait; and

WHEREAS, with these estimated numbers, there are approximately 1,500 individuals with sickle cell conditions and 50,000 individuals with sickle cell trait in the State of Missouri; and

WHEREAS, approximately 700 children, adolescents, and young adults with sickle cell disease reside in the St. Louis Metropolitan area. However, less than 25% of this sickle cell population will graduate from high school or seek higher education; and

WHEREAS, health maintenance for persons with sickle cell disease starts with early diagnosis, preferably when a newborn; and

WHEREAS, treatment of complications often includes antibiotics, pain management, intravenous fluids, blood transfusions, and surgery in combination with psychosocial support; and

WHEREAS, there are promising new treatments being developed which can prevent red blood cells from sickling without causing harm to other parts of the body, reduce the frequency of severe pain, acute chest syndrome, and the need for blood transfusions, and provide options to eliminate iron overload caused by repeated blood transfusions; and

WHEREAS, public awareness about sickle cell trait and disease and the numerous programs and screening available is vital to reduce to pervasiveness of sickle cell conditions:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate the week of May 9 - 15, 2010, as "Sickle Cell Awareness Week" in Missouri; and

BE IT FURTHER RESOLVED that the General Assembly encourages and urges all citizens of this state to participate in activities during Sickle Cell Awareness Week to address the pervasiveness of sickle cell trait and disease and the need to increase public awareness of the available programs and screenings.

Mr. Speaker: Your Committee on Tourism, to which was referred **HCR 53**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE CONCURRENT RESOLUTION NO. 53

WHEREAS, Dr. Charles Richard Drew was an African American physician and medical researcher in the field of blood transfusions, and developed improved techniques for blood storage; and

WHEREAS, Dr. Charles Drew developed a technique for the long-term preservation of blood plasma. Prior to his discovery, blood could not be stored for more than two days because of the rapid breakdown of red blood cells; and

WHEREAS, Dr. Drew discovered that by separating plasma from the whole blood and then refrigerating them separately, they could be combined up to a week later for a blood transfusion; and

WHEREAS, Dr. Drew also discovered that while everyone has a certain type of blood - A, B, AB, or O - and thus prevented from receiving a full blood transfusion from someone with different blood, everyone has the same type of plasma. Thus, in certain cases where a whole blood transfusion is not necessary, it was sufficient to give a plasma transfusion which could be administered to anyone, regardless of their blood type; and

WHEREAS, Dr. Drew applied his expert knowledge in developing large-scale blood banks early in World War II, saving thousands of lives of the Allied Forces, and convincing Columbia University to establish a blood bank; and

WHEREAS, in late 1940, Dr. Drew set up and administered an early prototype program for collecting, testing, and distributing blood plasma in Britain. The Blood for Britain program in the United States was a project to aid British soldiers and civilians by giving blood to Britain. The program operated successfully for five months, with total collections of almost 15,000 people donating blood and over 5,500 vials of blood plasma; and

WHEREAS, Dr. Drew was named project director for the American Red Cross, but soon resigned his post after the United States War Department issued a directive that blood taken from White donors should be segregated from that of Black donors; and

WHEREAS, Dr. Drew was the first African American to receive a Doctor of Medical Science degree from Columbia University, and in 1942 became the head of Howard University's Department of Surgery. Dr. Drew was initially the Chief of Surgery at Freedmen's Hospital, and later was named Chief of Staff and Medical Director for the Hospital; and

WHEREAS, in 1948, Dr. Drew was awarded the Spingarn Medal from the NAACP for his work on blood plasma and became the first African American to be appointed an examiner by the American Board of Surgery; and

WHEREAS, Dr. Drew was killed in an automobile accident in April 1950 on the way to a medical conference; and

WHEREAS, blood transfusions are sometimes the best way to treat and prevent some of the complications of sickle cell anemia. Two million African Americans, or 1 in 12, have the sickle cell trait and more than 80,000 people in the United States, 98% of whom are African American, are affected by sickle cell disease; and

WHEREAS, Dr. Charles Drew has been considered one of the most honored and respected figures in the medical field and his development of the blood plasma bank has given a second chance of life to millions:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby designates December 4, 2010, as "Dr. Charles Drew Recognition Day" in Missouri; and

BE IT FURTHER RESOLVED that the General Assembly encourages and urges all citizens of the State of Missouri to participate in appropriate activities on Dr. Charles Drew Recognition Day to honor the medical revolution Dr. Drew made within the medical profession by storing blood plasma, establishing the American Red Cross blood bank, and organizing the world's first blood bank drive.

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1778**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1392**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1486**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Children and Families**, Chairman Davis reporting:

Mr. Speaker: Your Special Standing Committee on Children and Families, to which was referred **HB 1327** and **HB 2000**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Emerging Issues in Animal Agriculture**, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was referred **HB 1404**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 1832**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Workforce Development and Workplace Safety**, Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **HB 2059**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR**s **45, 69 & 70**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1258**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1268**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1310**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1330**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1336**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1340**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1382**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1408 & 1514**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1519**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 1543**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1612**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1677**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1691**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1713**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1775**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1776**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1941**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2237**, introduced by Representatives LeBlanc, Salva, Hughes, Scavuzzo, Walton Gray, Webb, McDonald, Skaggs, Brown (50) and Burnett, relating to land tax collection.

**HB 2238**, introduced by Representative Burnett, relating to election offenses.

**HB 2239**, introduced by Representatives Schoeller, Denison, Wasson, Burlison, Norr, Viebrock, Lampe, Cunningham and Dixon, relating to child abuse and neglect.

**HB 2240**, introduced by Representatives Talboy, Silvey, Roorda, LeVota, Kuessner, Low, Flook, Kander, Dusenberger, Colona, Holsman, Hummel, McNeil, Newman, Molendorp, Lampe, Faith, Franz, Bruns, Webber, Hobbs, Nolte, Curls, Skaggs, Schupp, Oxford, Hughes, Walsh, Kirkton, Pratt, Komo, Morris and Whitehead, relating to sales and use taxes on certain watercraft.

**HB 2241**, introduced by Representatives Silvey, Talboy, Pratt, Hobbs, Nolte, Franz, Flook, Webber, Stream, Molendorp, Walsh, Skaggs, Low, LeVota, Curls, Lampe, Funderburk, Hummel, Holsman, Hoskins (121), Parkinson, Parson, Zerr and Faith, relating to sales and use taxes on certain watercraft.

**HB 2242**, introduced by Representative Walsh, relating to the safe staffing and quality care accountability acts.

**HB 2243**, introduced by Representatives Brown (149), Flanigan, Riddle, Tracy and Zerr, relating to prohibiting the interchange of anti-epileptic drugs.

**HB 2244**, introduced by Representatives Brown (149), Smith (150), Stream, Fisher (125), Flanigan, Schaaf, Riddle, Tracy and Zerr, relating to epilepsy awareness day.

**HB 2245**, introduced by Representatives Bivins, Wallace, Stream, Aull, Thomson, Schad and Icet, relating to school funding.

**HB 2246**, introduced by Representatives Hobbs and Bruns, relating to use of automated external defibrillators.

**HB 2247**, introduced by Representative Burlison, relating to abandoned vehicles.

**HB 2248**, introduced by Representatives Weter, Brown (149), Dougherty, McGhee, Deeken, Jones (89), Koenig, Guest, Grisamore, Grill, McDonald, Kirkton, Hughes, McClanahan, Lampe, Zerr, LeBlanc, Dieckhaus and Wright, relating to security deposits.

**HB 2249**, introduced by Representatives Carter, Nasheed, Frame, Low, Brown (50), Chappelle-Nadal, Hummel, Englund, Rucker, Curls, Webber, Schupp, Oxford, Hughes, Colona, Walsh, Corcoran, Jones (63), Grill, Atkins, Walton Gray, Schieffer, Norr and McClanahan, relating to accessibility of offices in the state capitol.

**HB 2250**, introduced by Representative Curls, relating to taxes imposed by certain cities to fund public safety activities including operations and capital improvements.

**HB 2251**, introduced by Representative Faith, relating to refunds of tax overpayments.

**HB 2252**, introduced by Representative Faith, relating to a tax credit for contributions to pregnancy resource centers.

**HB 2253**, introduced by Representative Faith, relating to highway corridors.

**HB 2254**, introduced by Representatives Nolte, Silvey, Talboy, Brown (50), Nance and Loehner, relating to sales and use taxes on certain watercraft.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 621**, entitled:

An act to repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to digital cadastral parcel mapping.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 629**, entitled:

An act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 636**, entitled:

An act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 686**, entitled:

An act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to hearing officers for appeals before the state tax commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 716**, entitled:

An act to amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 758**, entitled:

An act to repeal section 70.373, RSMo, and to enact in lieu thereof one new section relating to interstate compact agencies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 795**, entitled:

An act to repeal sections 319.306 and 319.321, RSMo, and to enact in lieu thereof two new sections relating to blasting safety, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 806**, entitled:

An act to amend chapters 43 and 537, RSMo, by adding thereto two new sections relating to pornography.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 824**, entitled:

An act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

In which the concurrence of the House is respectfully requested.

## MESSAGE FROM THE GOVERNOR

February 25, 2010

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
95<sup>th</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 1540** entitled:

"AN ACT"

To repeal sections 304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twelve new sections relating to infractions, with penalty provisions and an emergency clause for certain sections.

On February 25, 2010, I approved said **House Committee Substitute for House Bill No. 1540**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

## **WITHDRAWAL OF HOUSE BILLS**

February 23, 2010

Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
201 W. Capitol, Room 306C  
Jefferson City, MO 65101

Re: **House Bill No. 1777**

Dear Mr. Crumbliss,

I hereby request that **House Bill No. 1777** be withdrawn.

Respectfully,

/s/ Rochelle Walton Gray  
Missouri State Representative  
81<sup>st</sup> District

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February 25, 2010

Adam Crumbliss, Chief Clerk  
House Administrator  
201 W. Capitol Ave.  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I wish to formally withdraw **House Bill No. 2223** and will file a revised bill at a later date. Please contact my office at (573) 751-2383 or email at [james.morris@house.mo.gov](mailto:james.morris@house.mo.gov) should you have any questions.

Sincerely,

/s/ James T. Morris  
Representative  
District 58

The following member's presence was noted: Calloway.

## **ADJOURNMENT**

On motion of Speaker Richard, the House adjourned until 4:00 p.m., Monday, March 1, 2010.



## **CORRECTION TO THE HOUSE JOURNAL**

### **AFFIDAVIT**

I, State Representative Pat Conway, District 27, hereby state and affirm that my vote as recorded on Page 367 of the Journal of the House for Tuesday, February 23, 2010, that indicated the absence of a quorum was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 25th day of February 2010.

/s/ Pat Conway  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 25th day of February in the year 2010.

/s/ Leticia J. Long  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, March 2, 2010, 8:45 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2182, HB 1864

### **ELECTIONS**

Tuesday, March 2, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 2220

### **ENERGY AND ENVIRONMENT**

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 1.

Committee will recess and reconvene at 2:00 p.m. in Hearing Room 1.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1974, HB 2047, HB 1243

### **FISCAL REVIEW**

Wednesday, March 3, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### **FISCAL REVIEW**

Thursday, March 4, 2010, 9:00 a.m. House Chamber south gallery.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, March 3, 2010, Hearing Room 6 12:00 p.m. or upon adjournment.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1822

HEALTHCARE TRANSFORMATION

Tuesday, March 2, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1964

HIGHER EDUCATION

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1812, HCR 24

INSURANCE POLICY

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1625, HB 1808, HB 1570

PUBLIC SAFETY

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1736, HB 1739, HB 1979, HB 2213

REAL ID AND PERSONAL PRIVACY

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2161, HCR 39, HJR 74

RULES - PURSUANT TO RULE 25(32)(f)

Monday, March 1, 2010, 3:00 p.m. Hearing Room 6.

Possible Executive session.

Public hearing to be held on: HCS HB 1446, HCS#2 HB 1472,  
HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, HCS HB 1903, HCS HB 2014

RURAL COMMUNITY DEVELOPMENT

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1254, HB 1705

SMALL BUSINESS

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2103, HB 2104

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, March 2, 2010, 3:00 p.m. Hearing Room 5.

Executive session may be held.

Public hearing to be held on: HB 1772, HB 1868, HB 1912, HB 2081, HJR 62

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 5.

Working session.

**SPECIAL STANDING COMMITTEE ON URBAN ISSUES**

Monday, March 1, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session will be held on: HB 1601, HB 1826

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, March 1, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1960

**TOURISM**

Thursday, March 4, 2010, 9:00 a.m. House Lounge.

Joint meeting of the House and Senate Tourism Committees and the Tourism Commission.

Presentation of the annual report of the Tourism Commission.

**TRANSPORTATION**

Tuesday, March 2, 2010.

Hearing Room 7, 12:00 p.m. or upon morning adjournment, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 1970, HB 2159, HB 2235, HB 2111, HB 2097

**WAYS AND MEANS**

Tuesday, March 2, 2010, 9:00 a.m. House Chamber south gallery.

Executive session.

**HOUSE CALENDAR**

THIRTIETH DAY, MONDAY, MARCH 1, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2237 through HB 2254

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 76 - Dethrow
- 2 HCS HJR 86 - Loehner
- 3 HCS HJRs 48, 50 & 57 - Jones (89)
- 4 HCS HJRs 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS HBs 1408 & 1514 - Smith (150)
- 3 HB 1519 - Hoskins (80)
- 4 HCS#2 HB 1543 - Wallace

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/23/2010)

HCS HB 1840 - Wright

(3/1/2010)

- 1 HB 1258 - Todd
- 2 HB 1268 - Meiners
- 3 HB 1336 - Brandom
- 4 HB 1340 - Dugger
- 5 HB 1612 - Molendorp
- 6 HCS HB 1382 - Ervin
- 7 HB 1677 - Hoskins (80)
- 8 HB 1691 - Kraus
- 9 HB 1713 - Sander
- 10 HB 1775 - Shively
- 11 HB 1776 - Shively

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)

**SENATE BILLS FOR SECOND READING**

- |   |            |
|---|------------|
| 1 | SB 621     |
| 2 | SB 629     |
| 3 | SCS SB 636 |
| 4 | SB 686     |
| 5 | SB 716     |
| 6 | SB 758     |
| 7 | SB 795     |
| 8 | SB 806     |
| 9 | SB 824     |

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTIETH DAY, MONDAY, MARCH 1, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, everything is appropriate in its own time and in its place and although You have planted eternity in our hearts, often we miss the possibilities of Your work from beginning to end.

Thank You, Lord God, for the way You have consistently and persistently blessed our lives. We are grateful for each day. Teach us to number our days and recognize how few they are; help us to spend them as we should.

Help us to guard our heart more than anything else, because the source of our life flows from it. May we have the courage to disdain dishonesty and to remove deceptive words from our lips.

As we ponder the days ahead, may we do so with fixed purpose, extraordinary ability and great insight. May we, without hesitation, choose what is right and detest what is inappropriate.

Now, may You, Heavenly Father, who has loved us and given us eternal encouragement and good hope by grace, encourage our hearts and strengthen us in every good work and word.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-ninth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 925 through House Resolution No. 974

## SECOND READING OF HOUSE BILLS

**HB 2237** through **HB 2254** were read the second time.

## SECOND READING OF SENATE BILLS

**SB 621**, **SB 629**, **SCS SB 636**, **SB 686**, **SB 716**, **SB 758**, **SB 795**, **SB 806** and **SB 824** were read the second time.

## PERFECTION OF HOUSE JOINT RESOLUTION

**HCS HJR 86**, relating to the right to raise animals, was taken up by Representative Loehner.

Representative Smith (150) offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 86, Page 1, Section 35, Line 5, by deleting all of said line and inserting in lieu thereof the following:

**“No state law criminalizing or otherwise regulating crops or the welfare of any domesticated”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hobbs assumed the Chair.

Representative Harris offered **House Amendment No. 1 to House Amendment No. 1**.

### *House Amendment No. 1*

*to*

### *House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 86, Page 1, Line 4, by deleting the words, **“crops or”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Harris moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Atkins	Burnett	Carter	Casey	Conway
Corcoran	Englund	Fallert	Fischer 107	Grill
Harris	Hughes	Hummel	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	McDonald
Meadows	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Scavuzzo	Schoemehl	Schupp
Skaggs	Spreng	Still	Storch	Talboy
Vogt	Walsh	Walton Gray	Webber	Yaeger
Zimmerman				

NOES: 113

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Colona	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith

Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kraus	Lair	Largent	Leara	Lipke
Loehner	McClanahan	McGhee	McNary	McNeil
Molendorp	Munzlinger	Nance	Newman	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

PRESENT: 001

Calloway

ABSENT WITH LEAVE: 007

Chappelle-Nadal	Diehl	Grisamore	Low	Quinn
Salva	Schlottach			

VACANCIES: 001

Representative Kelly offered **House Amendment No. 2 to House Amendment No. 1.**

*House Amendment No. 2*  
to  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 86, Page 1, Section 35, Line 4, by inserting immediately before the word “No”, the following:

**“Notwithstanding that this section shall in no way prohibit or limit the right of any county or city to enact ordinances,”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly, **House Amendment No. 2 to House Amendment No. 1** was adopted.

On motion of Representative Smith (150), **House Amendment No. 1, as amended**, was adopted.

Representative Roorda offered **House Amendment No. 2.**



*House Amendment No. 2*

AMEND House Committee Substitute for House Joint Resolution No. 86, Page 1, Line 7, by inserting after "**assembly.**" the words:

**"Nothing in this section shall be construed to invalidate a law that makes it a criminal activity to grow a crop that has been declared a controlled substance under the laws of this state."**

On motion of Representative Roorda, **House Amendment No. 2** was adopted.

On motion of Representative Loehner, **HCS HJR 86, as amended**, was adopted.

On motion of Representative Loehner, **HCS HJR 86, as amended**, was ordered perfected and printed.

**COMMITTEE REPORTS**

**Committee on Corrections and Public Institutions**, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 1644**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1580**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1943**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1446**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 1472**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1657**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1903**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2014**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2255**, introduced by Representative Jones (89), relating to information about meningococcal vaccinations.

**HB 2256**, introduced by Representatives Flook, Bivins, Allen and Diehl, relating to the Missouri accountability portal.

**HB 2257**, introduced by Representative Bruns, relating to fireworks.

**HB 2258**, introduced by Representatives Bivins, Schoemehl and Englund, relating to revisions of prior tax levies.

**HB 2259**, introduced by Representatives LeBlanc and Brown (50), relating to the imposition of a transient guest tax by certain cities.

**HB 2260**, introduced by Representatives Todd, Day and Brown (149), relating to uniformed and overseas voters.

**HB 2261**, introduced by Representative Kraus, relating to the A+ schools program.

**HB 2262**, introduced by Representatives Day, Largent, Brown (149), McNary, Guest, Fisher (125), Kelly, Atkins, Wright, Roorda, Storch, Deeken, Schieffer, Sater and Meadows, relating to the Missouri youth challenge academy.

**HB 2263**, introduced by Representatives Molendorp, Tilley, Roorda, Allen, Nieves, Silvey, Nance, Still, Colona, Storch, LeVota, Talboy, Zimmerman and Kander, relating to the insured vehicle identification network program.

## **COMMITTEE APPOINTMENT**

March 1, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Linda Fischer from the State Parks and Waterways Committee. I hereby appoint Representative Pat Conway to fill the vacancy on the State Parks and Waterways Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

The following members' presence was noted: Grisamore, Salva and Schlottach.

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, March 2, 2010.

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, March 2, 2010, 8:45 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: HB 2182, HB 1864

### **AGRICULTURE POLICY**

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 6.  
Public hearing to be held on: HB 1288

### **CONSERVATION AND NATURAL RESOURCES**

Wednesday, March 3, 2010, 9:00 a.m. Hearing Room 4.  
Executive session will be held on: HB 1858

### **ELECTIONS**

Tuesday, March 2, 2010, 8:15 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 2220

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 6.

Executive session.

ENERGY AND ENVIRONMENT

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 1.

Committee will recess and reconvene at 2:00 p.m. in Hearing Room 1.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1974, HB 2047, HB 1243

FINANCIAL INSTITUTIONS

Wednesday, March 3, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1545, HB 1584, HB 1709, HB 1716, HB 2201

FISCAL REVIEW

Wednesday, March 3, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, March 4, 2010, 9:00 a.m. House Chamber south gallery.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, March 3, 2010, Hearing Room 6 12:00 p.m. or upon adjournment.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 1822

HEALTHCARE TRANSFORMATION

Tuesday, March 2, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1964, HB 1495

HIGHER EDUCATION

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1812, HCR 24

INSURANCE POLICY

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1625, HB 1808, HB 1570

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, March 2, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1410, HB 2107

LOCAL GOVERNMENT

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1263, HB 1272, HB 1388, HB 1564, HB 2098

PUBLIC SAFETY

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1736, HB 1739, HB 1979, HB 2213, HB 1538

REAL ID AND PERSONAL PRIVACY

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2161, HCR 39, HJR 74

RURAL COMMUNITY DEVELOPMENT

Tuesday, March 2, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1254, HB 1705

SMALL BUSINESS

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2103, HB 2104

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1238, HB 1235

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, March 2, 2010, 5:00 p.m. Hearing Room 1.

Executive session will be held on: HB 1945

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 2, 2010, 3:00 p.m. Hearing Room 5.

Executive session may be held.

Public hearing to be held on: HB 1772, HB 1868, HB 1912, HB 2081, HJR 62

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 5.

Working session.

**TOURISM**

Thursday, March 4, 2010, 9:00 a.m. House Lounge.

Joint meeting of the House and Senate Tourism Committees and the Tourism Commission.

Presentation of the annual report of the Tourism Commission.

**TRANSPORTATION**

Tuesday, March 2, 2010.

Hearing Room 7, 12:00 p.m. or upon morning adjournment, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 1970, HB 2159, HB 2235, HB 2111, HB 2097

**UTILITIES**

Tuesday, March 2, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2038

**WAYS AND MEANS**

Tuesday, March 2, 2010, 9:00 a.m. House Chamber south gallery.

Executive session.

**HOUSE CALENDAR**

THIRTY-FIRST DAY, TUESDAY, MARCH 2, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2255 through HB 2263

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 76 - Dethrow
- 2 HCS HJR 48, 50 & 57 - Jones (89)
- 3 HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS HB 1408 & 1514 - Smith (150)

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- 3 HB 1519 - Hoskins (80)
- 4 HCS#2 HB 1543 - Wallace
- 5 HCS HB 1446 - Jones (89)
- 6 HCS#2 HB 1472 - Franz
- 7 HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 - Stevenson
- 8 HCS HB 1903 - Icet

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(2/23/2010)

HCS HB 1840 - Wright

(3/1/2010)

- 1 HB 1258 - Todd
- 2 HB 1268 - Meiners
- 3 HB 1336 - Brandom
- 4 HB 1340 - Dugger
- 5 HB 1612 - Molendorp
- 6 HCS HB 1382 - Ervin
- 7 HB 1677 - Hoskins (80)
- 8 HB 1691 - Kraus
- 9 HB 1713 - Sander
- 10 HB 1775 - Shively
- 11 HB 1776 - Shively

(3/2/2010)

HB 1657 - Dethrow

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-FIRST DAY, TUESDAY, MARCH 2, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Lord, our God, we ask Your divine assistance in the task of representing the needs and concerns of all the people in our districts. Help us to be so focused upon what is right and just that in serving the people we serve You as well. May Your wisdom guide us to think beyond the boundaries of our districts to the wellbeing and the common good of all the people of our State.

Where the needs of the people are concerned, guide us to decisions that include the protection of the most vulnerable. When there are inadequate resources, let us all share in the sacrifice.

In the end, "Thy will be done on earth as it is in Heaven." To You, our God, be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Shane Comer, Shelby Comer, Jesse Daniels, Jessie Mitchem, Austin Nunnery, Kelly Robey, Shadaisha Wright, David Hjelm, Brandon Johnson, Jill Johnson, Marin McMenus, Miriam Johnson, Rebecca Wagner, Michael Wagner and Kimberly Wagner.

The Journal of the thirtieth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 975 through House Resolution No. 1028

## HOUSE CONCURRENT RESOLUTION

Representative Loehner, et al., offered House Concurrent Resolution No. 68.

## SECOND READING OF HOUSE BILLS

**HB 2255** through **HB 2263** were read the second time.



## PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 76**, relating to wildlife and forestry resources, was taken up by Representative Dethrow.

Representative Webber offered **House Amendment No. 1**.

Representative Smith (150) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Dethrow, **HJR 76** was ordered perfected and printed by the following vote:

AYES: 131

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberger	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 027

Atkins	Burnett	Colona	Hughes	Jones 63
Kander	Kirkton	LeVota	McNeil	Morris
Newman	Oxford	Pace	Schaaf	Schoemehl
Schupp	Skaggs	Spreng	Still	Talboy
Vogt	Walsh	Walton Gray	Webb	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 004

Chappelle-Nadal

Low

Meadows

Nolte

VACANCIES: 001

## PERFECTION OF HOUSE BILLS

**HCS HBs 1408 & 1514**, relating to interest on income tax returns, was taken up by Representative Smith (150).

Representative Schoemehl offered **House Amendment No. 1**.

Representative Schoeller raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Dixon assumed the Chair.

On motion of Representative Smith (150), **HCS HBs 1408 & 1514** was adopted.

On motion of Representative Smith (150), **HCS HBs 1408 & 1514** was ordered perfected and printed.

**HB 1519**, relating to assault of a transit operator, was taken up by Representative Hoskins (80).

Representative Nance offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Bill No. 1519, Section 565.083, Page 4, Line 34, by inserting after all of said section and line the following:

“565.084. 1. A person commits the crime of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

- (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225.

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile officer, deputy juvenile officer, **juvenile court commissioner**, [state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney,] **drug court commissioner-judge, family court commissioner-judge, administrative law judge**, [juvenile court commissioner,] state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:
  - (1) Such officer's spouse; or
  - (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or
  - (3) Such officer's stepchild, while the marriage creating that relationship exists.
4. Tampering with a judicial officer is a class C felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Witte offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 1519, Page 1, Line 15, by deleting the opening bracket “[“ and

Further amend said amendment and page, Line 16, by deleting the closing bracket ”]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Witte, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Nance, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative Hoskins (80), **HB 1519, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 76** - Fiscal Review (Fiscal Note)

**HCS HJR 86** - Fiscal Review (Fiscal Note)

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HBs 1408 & 1514** - Fiscal Review (Fiscal Note)

**HB 1562** - Special Standing Committee on General Laws

**HB 1991** - Public Safety

**HB 2221** - Retirement

## COMMITTEE REPORTS

### **Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 1473**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Rural Community Development**, Chairman Wilson (119) reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1254**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1705**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Transportation**, Chairman Dixon reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1310**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1330**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1941**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2048**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Special Standing Committee on Urban Issues**, Chairman Hoskins (80) reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 1601**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Workforce Development and Workplace Safety,**  
Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **HB 1892**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **ADVANCEMENT OF HOUSE CONSENT BILL**

Pursuant to Rule 45(b), the following bill, having remained on the House Consent Calendar for Perfection for five legislative days, was ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 1840**.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2264**, introduced by Representatives Largent, Tracy, Day and Hoskins (121), relating to the Missouri youth challenge academy.

**HB 2265**, introduced by Representatives Funderburk, Koenig, Gatschenberger, Guernsey, Fisher (125), Jones (89), Emery, Schoeller and Nieves, relating to corporate income tax rates.

**HB 2266**, introduced by Representatives Ruzicka, Pollock, Nance, Bivins, Weter, Wilson (119), Viebrock, Loehner, Fisher (125), Munzlinger, Hobbs, Smith (150) and Corcoran, relating to possession and use of certain alcohol containers and devices on certain rivers.

**HB 2267**, introduced by Representatives Schieffer, Hodges, Norr and Bivins, relating to property taxes.

**HB 2268**, introduced by Representatives Schieffer, Hodges, Norr and Bivins, relating to reviews of real property assessments.

**HB 2269**, introduced by Representative Smith (14), relating to license plates.

**HB 2270**, introduced by Representative Cooper, relating to SAFE CARE providers.

**HB 2271**, introduced by Representatives Cooper, Pollock and Wallace, relating to blasting.

**HB 2272**, introduced by Representatives Fisher (125) and Jones (89), relating to workers' compensation law.

**HB 2273**, introduced by Representatives Cooper, Jones (63) and Sater, relating to mental health community participation.

**HB 2274**, introduced by Representatives Still and Talboy, relating to accessible parking.

**HB 2275**, introduced by Representative Meiners, relating to public records.

**HB 2276**, introduced by Representatives Ruestman, Munzlinger, Cunningham, Schad, Lair, Fisher (125), Day, Cox, Thomson, Weter, Sater, Wallace, Koenig and Wilson (130), relating to wages for work done on behalf of a school.

**HB 2277**, introduced by Representatives Wallace, Wilson (130), Schad, Guest, Weter, Sater, Deeken, Kingery, Schlottach, Brown (149), Ruestman, Schieffer, Wasson, Cunningham, Hobbs and Loehner, relating to state aid for schools.

**HB 2278**, introduced by Representatives Hobbs and Kelly, relating to the University of Missouri board of curators.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1544**, entitled:

An act to repeal sections 288.062 and 288.500, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 583**, entitled:

An act to repeal section 376.1109, RSMo, and to enact in lieu thereof two new sections relating to the refund of unearned premiums on certain cancelled insurance policies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 649**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout day.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 668**, entitled:

An act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 669**, entitled:

An act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 684**, entitled:

An act to repeal section 453.170, RSMo, and to enact in lieu thereof one new section relating to adoptions occurring in a foreign country.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 753**, entitled:

An act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to the investment of certain cemetery trust funds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 771**, entitled:

An act to repeal sections 110.140, 110.150, and 110.170, RSMo, and to enact in lieu thereof three new sections relating to depositaries for public funds, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 772**, entitled:

An act to repeal sections 166.420 and 166.532, RSMo, and to enact in lieu thereof one new section relating to higher education savings programs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 804**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to epilepsy awareness day.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 812, 752 & 909**, entitled:

An act to amend chapter 301, RSMo, by adding thereto three new sections relating to special license plates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 834**, entitled:

An act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 841, 657 & 751**, entitled:

An act to repeal section 227.303, RSMo, and to enact in lieu thereof four new sections relating to memorial highway designations.

In which the concurrence of the House is respectfully requested.

## **COMMITTEE APPOINTMENT**

March 2, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Ryan Silvey from the Real ID and Personal Privacy Committee. I hereby appoint Representative Nita Ayres to fill the vacancy on the Real ID and Personal Privacy Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker



The following members' presence was noted: Meadows and Nolte.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, March 3, 2010.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 6.

Public hearing to be held on: HB 1288

#### **CONSERVATION AND NATURAL RESOURCES**

Wednesday, March 3, 2010, 9:00 a.m. Hearing Room 4.

Executive session will be held on: HB 1858

#### **CRIME PREVENTION**

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 5.

Executive session.

#### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 6.

Executive session.

#### **FINANCIAL INSTITUTIONS**

Wednesday, March 3, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1545, HB 1584, HB 1709, HB 1716, HB 2201

#### **FISCAL REVIEW**

Wednesday, March 3, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### **FISCAL REVIEW**

Thursday, March 4, 2010, 9:00 a.m. House Chamber south gallery.

Executive session may follow.

#### **HEALTH CARE POLICY**

Wednesday, March 3, 2010, Hearing Room 6 12:00 p.m. or upon adjournment.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1822, HB 2205

HEALTHCARE TRANSFORMATION

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1495

INSURANCE POLICY

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1625, HB 1808, HB 1570

JUDICIARY

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1894, HB 1957

LOCAL GOVERNMENT

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1263, HB 1272, HB 1388, HB 1564, HB 2098

REAL ID AND PERSONAL PRIVACY

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2161, HCR 39, HJR 74

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, March 3, 2010, Hearing Room 3 upon morning adjournment.

Possible Executive session. CANCELLED

Public hearing to be held on: HCS HB 1601

SMALL BUSINESS

Wednesday, March 3, 2010, 2:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2103, HB 2104

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 3, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1238, HB 1235

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND  
LICENSING

Wednesday, March 3, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2226, HB 2229, HB 2231, HB 2190, HB 1990

**STATE PARKS AND WATERWAYS**

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2109

**TOURISM**

Thursday, March 4, 2010, 9:00 a.m. House Lounge.

Joint meeting of the House and Senate Tourism Committees and the Tourism Commission.

Presentation of the annual report of the Tourism Commission.

**TRANSPORTATION**

Thursday, March 4, 2010, 8:30 a.m. House Chamber north gallery.

Executive session.

**WAYS AND MEANS**

Thursday, March 4, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1768

**HOUSE CALENDAR**

THIRTY-SECOND DAY, WEDNESDAY, MARCH 3, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2264 through HB 2278

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HCS HJR 48, 50 & 57 - Jones (89)

2 HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Icet

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 1684 - Zerr

2 HCS#2 HB 1543 - Wallace

3 HCS HB 1446 - Jones (89)

4 HCS#2 HB 1472 - Franz

5 HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811 - Stevenson

6 HCS HB 1903 - Icet

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/1/2010)

- 1 HB 1258 - Todd
- 2 HB 1268 - Meiners
- 3 HB 1336 - Brandom
- 4 HB 1340 - Dugger
- 5 HB 1612 - Molendorp
- 6 HCS HB 1382 - Ervin
- 7 HB 1677 - Hoskins (80)
- 8 HB 1691 - Kraus
- 9 HB 1713 - Sander
- 10 HB 1775 - Shively
- 11 HB 1776 - Shively

(3/2/2010)

HB 1657 - Dethrow

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 86, (Fiscal Review 3-2-10) - Loehner

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)
- 4 HCS HB 1840 - Wright

**SENATE BILLS FOR SECOND READING**

- 1        SCS SB 583
- 2        SB 649
- 3        SB 668
- 4        SB 669
- 5        SB 684
- 6        SB 753
- 7        SB 771
- 8        SCS SB 772
- 9        SB 804
- 10       SCS SBs 812, 752 & 909
- 11       SCS SB 834
- 12       SCS SBs 841, 657 & 751

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-SECOND DAY, WEDNESDAY, MARCH 3, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Representative Bob Dixon.

Most holy and glorious Lord God, the Great Architect of the Universe, the Giver of all good gifts and graces, in Thy Name we have assembled, and in Thy Name we desire to proceed in all our doings.

Grant that the sublime principles of Freedom may so subdue every discordant passion within us, so harmonize and enrich our hearts with Thine own love and goodness, that the House of Representatives at this time may humbly reflect that order and beauty which reign forever before Thy throne.

We approach and make supplication in the Mighty Name of the Nazarene and for the sake of Freedom, which He perfectly embodies.

Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Spencer Clinton and Josh Kunkelman.

The Journal of the thirty-first day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1029 through House Resolution No. 1095

## HOUSE CONCURRENT RESOLUTION

Representative Skaggs, et al., offered House Concurrent Resolution No. 69.

## SECOND READING OF HOUSE BILLS

**HB 2264** through **HB 2278** were read the second time.

## SECOND READING OF SENATE BILLS

**SCS SB 583, SB 649, SB 668, SB 669, SB 684, SB 753, SB 771, SCS SB 772, SB 804, SCS SBs 812, 752 & 909, SCS SB 834 and SCS SBs 841, 657 & 751** were read the second time.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 76** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 86** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1408 & 1514** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## PERFECTION OF HOUSE BILL

**HCS HB 1903**, relating to the Federal Budget Stabilization Fund, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 1903** was adopted.

On motion of Representative Icet, **HCS HB 1903** was ordered perfected and printed by the following vote:

AYES: 154

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Loehner	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson

Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Schieffer
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 001

Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Chappelle-Nadal	Lipke	Low	McDonald
Scharnhorst	Schlottach			

VACANCIES: 001

### **PERFECTION OF HOUSE JOINT RESOLUTION**

**HCS HJR**s 48, 50 & 57, relating to health care system participation, was taken up by Representative Jones (89).

Representative Nieves assumed the Chair.

**HCS HJR**s 48, 50 & 57 was laid over.

On motion of Representative Tilley, the House recessed until 3:30 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

### **PERFECTION OF HOUSE JOINT RESOLUTION**

**HCS HJR**s 48, 50 & 57, relating to health care system participation, was again taken up by Representative Jones (89).

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Jones (89), **HCS HJR**s 48, 50 & 57 was adopted.



On motion of Representative Jones (89), **HCS HJR 48, 50 & 57** was ordered perfected and printed by the following vote:

AYES: 113

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cooper	Cox	Cunningham
Davis	Day	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kratky	Kraus
Lair	Largent	Leara	Liese	Loehner
McNary	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 040

Atkins	Bringer	Brown 50	Burnett	Calloway
Carter	Corcoran	Curls	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Kuessner	Lampe	LeBlanc	LeVota
Low	McClanahan	McNeil	Morris	Newman
Norr	Oxford	Pace	Schupp	Skaggs
Spreng	Still	Storch	Talboy	Walsh
Walton Gray	Webb	Webber	Whitehead	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 009

Chappelle-Nadal	Colona	Deeken	Lipke	McDonald
McGhee	Roorda	Vogt	Zimmerman	

VACANCIES: 001

## PERFECTION OF HOUSE BILL

**HCS#2 HB 1472**, relating to controlled substances, was taken up by Representative Franz.

Representative Roorda offered **House Amendment No. 1**.

Representative Smith (150) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

**HCS#2 HB 1472** was laid over.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HJR**s 48, 50 & 57 - Fiscal Review (Fiscal Note)

**HB 1373** - Special Standing Committee on Professional Registration and Licensing

**HB 1383** - International Trade and Immigration

**HB 1386** - Ways and Means

**HB 1407** - Judiciary

**HB 1525** - Insurance Policy

**HB 1531** - Elections

**HB 1659** - Agri-Business

**HB 1784** - Ways and Means

**HB 1799** - Judiciary

**HB 1833** - Agri-Business

**HB 1942** - Public Safety

**HB 1959** - Local Government

**HB 2035** - Special Standing Committee on Professional Registration and Licensing

**HB 2070** - Public Safety

**HB 2102** - Agri-Business

**HB 2113** - Retirement

**HB 2152** - Financial Institutions

**HB 2153** - Elections

**HB 2156** - Insurance Policy

**HB 2225** - Special Standing Committee on Emerging Issues in Animal Agriculture

**HB 2239** - Crime Prevention

**HB 2250** - Ways and Means

### **COMMITTEE REPORTS**

**Committee on Conservation and Natural Resources**, Chairman Ruzicka reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 1858**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1905**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1595**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1643**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1806**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 1824**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2279**, introduced by Representatives Brandom, Denison, Zerr, Pollock, Diehl and Flook, relating to tax credits against employer contributions.

**HB 2280**, introduced by Representatives Talboy, Colona, Pace, Norr, Yaeger, Oxford, LeVota, Low, Morris, Liese, Spreng, Newman and Lampe, relating to animal neglect.

**HB 2281**, introduced by Representatives Talboy, Kirkton, Holsman, Fischer (107), Fallert, Oxford, Roorda, LeBlanc, Newman, Aull, Atkins, Rucker, Kratky, Pace, Yaeger, Morris, Corcoran, Hughes, Lampe, Schieffer, Walton Gray, Colona, Burnett, Biermann and Kuessner, relating to election procedures.

**HB 2282**, introduced by Representatives Skaggs and LeBlanc, relating to elections.

**HB 2283**, introduced by Representatives Hobbs, Nance, Jones (89) and Hoskins (80), relating to payment of health insurance claims.

**HB 2284**, introduced by Representative Talboy, relating to midwifery.

**HB 2285**, introduced by Representative Thomson, to authorize the conveyance of property owned by the state to the City of Maryville.

**HB 2286**, introduced by Representatives Schoemehl, Roorda, Grill, Atkins, Corcoran, Oxford, McNeil, Quinn, Todd, Kratky, Colona, Hodges, Meadows, Walton Gray, Frame, Witte, Harris and Kuessner, relating to the Missouri radon certification program.

**HB 2287**, introduced by Representatives Still, Meadows, Schieffer, Fallert, Corcoran, Storch, Walsh and Pace, relating to the general assembly.

**HB 2288**, introduced by Representative Flook, relating to community improvement district powers.

**HB 2289**, introduced by Representative Dixon, relating to electronic notification by the department of revenue.

**HB 2290**, introduced by Representative Wasson, relating to public assistance benefits.

**HB 2291**, introduced by Representatives Munzlinger, Loehner, Nance, Cox, Fisher (125), Guernsey, Wilson (119), Sander, Wright and Schieffer, relating to the Missouri animal care advisory committee.

**HB 2292**, introduced by Representative Fallert, relating to the public education employee retirement system.

**HB 2293**, introduced by Representatives Whitehead, Jones (63), Nasheed, Carter, Calloway, Brown (50), Pace, Walton Gray, Morris, Newman, McNeil and Oxford, relating to the designation of a memorial highway.

**HB 2294**, introduced by Representative Dugger, relating to political party emblems on ballots.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, March 4, 2010.

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 6.

Public hearing to be held on: HB 1288

### BUDGET

Monday, March 15, 2010, 9:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### BUDGET

Tuesday, March 16, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### BUDGET

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### BUDGET

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### ELECTIONS

Tuesday, March 16, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1531, HB 2153

### FISCAL REVIEW

Thursday, March 4, 2010, 9:00 a.m. House Chamber south gallery.

Executive session may follow.

### FISCAL REVIEW

Wednesday, March 17, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, March 18, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### HEALTHCARE TRANSFORMATION

Thursday, March 4, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1964

#### HEALTHCARE TRANSFORMATION

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1495

#### HIGHER EDUCATION

Thursday, March 4, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1504

#### RETIREMENT

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2122, HB 2221

#### STATE PARKS AND WATERWAYS

Thursday, March 4, 2010, 8:30 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2109

#### TOURISM

Thursday, March 4, 2010, 9:00 a.m. House Lounge.

Joint meeting of the House and Senate Tourism Committees and the Tourism Commission.

Presentation of the annual report of the Tourism Commission.

#### TRANSPORTATION

Thursday, March 4, 2010, 8:30 a.m. House Chamber north gallery.

Executive session.

#### WAYS AND MEANS

Thursday, March 4, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 1768

## **HOUSE CALENDAR**

THIRTY-THIRD DAY, THURSDAY, MARCH 4, 2010

### **HOUSE BILLS FOR SECOND READING**

HB 2279 through HB 2294

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

### **HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Icet

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1446 - Jones (89)
- 4 HCS#2 HB 1472 - Franz
- 5 HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811 - Stevenson

### **HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(3/1/2010)

- 1 HB 1258 - Todd
- 2 HB 1268 - Meiners
- 3 HB 1336 - Brandom
- 4 HB 1340 - Dugger
- 5 HB 1612 - Molendorp
- 6 HCS HB 1382 - Ervin
- 7 HB 1677 - Hoskins (80)
- 8 HB 1691 - Kraus
- 9 HB 1713 - Sander
- 10 HB 1775 - Shively
- 11 HB 1776 - Shively

(3/2/2010)

HB 1657 - Dethrow

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

- 1 HCS HJR 86 - Loehner
- 2 HJR 76 - Dethrow
- 3 HCS HJR 48, 50 & 57, (Fiscal Review 3-3-10) - Jones (89)

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HBs 1408 & 1514, E.C. - Smith (150)
- 2 HB 1519 - Hoskins (80)
- 3 HCS HB 1903, E.C. - Icet

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1208 - Day
- 2 HB 1745 - Day
- 3 HB 1559 - Brown (30)
- 4 HCS HB 1840 - Wright

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 1544, E.C. - Fisher (125)



# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-THIRD DAY, THURSDAY, MARCH 4, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

"Blessed be the name of God forever and ever...  
He gives wisdom to the wise and knowledge to those who understand,"  
*(Daniel 2:20.21)*

Almighty God, we pray for the wisdom and knowledge to understand well the issues before us these days.

This morning, we also give thanks for the approach of Spring Break. May it be a time to reflect upon the themes of our work, a time to listen to our constituents, a time to celebrate life with our families, a 'pause that refreshes'.

We ask Your blessing upon all those for whom Spring Break is not much of a break, because they must work through most of it, or because of great burdens in their lives.

We ask for the grace eventually to return from the break with a fullness of wisdom and clarity of understanding to make correct decisions regarding the topics that will be placed before us.

We pray to You, our Lord and God forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-second day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1096 through House Resolution No. 1122

## SECOND READING OF HOUSE BILLS

**HB 2279** through **HB 2294** were read the second time.

## THIRD READING OF HOUSE BILLS

**HCS HBs 1408 & 1514**, relating to interest on income tax overpayments, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HCS HBs 1408 & 1514** was read the third time and passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Casey
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McGhee	McNary	McNeil	Meadows
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Still	Storch
Stream	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Carter	Chappelle-Nadal	Hughes	Lipke
McDonald	Meiners	Newman	Spreng	Stevenson
Sutherland	Vogt			

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 024

Biermann	Casey	Davis	Deeken	Dethrow
Ervin	Flook	Frame	Franz	Funderburk
Guest	Hoskins 121	Kingery	Komo	Largent
McGhee	Nance	Pollock	Roorda	Ruzicka
Sater	Smith 14	Wallace	Wilson 119	

NOES: 125

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Burlison	Burnett	Carter	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Day
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Gatschenberger
Grill	Grisamore	Guernsey	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hummel	Ice
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kirkton	Koenig	Kratky	Kraus
Kuessner	Lair	Lampe	Leara	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McNary	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nasheed	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pratt	Quinn
Riddle	Rucker	Ruestman	Salva	Sander
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 150	Still
Storch	Stream	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 30	Calloway	Chappelle-Nadal	Cooper	Hughes
Lipke	McDonald	Meiners	Newman	Nolte
Spreng	Stevenson	Sutherland		

VACANCIES: 001

**HB 1519**, relating to assault of a transit operator, was taken up by Representative Hoskins (80).

On motion of Representative Hoskins (80), **HB 1519** was read the third time and passed by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Low	McClanahan	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 013

Bruns	Cooper	Davis	Dethrow	Diehl
Emery	Ervin	Franz	Loehner	McGhee
Sater	Schad	Wallace		

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Chappelle-Nadal	Lipke	McDonald	Meiners
Newman	Pratt	Spreng	Stevenson	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1903**, relating to the Federal Budget Stabilization Fund, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 1903** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 004

Burnett	Jones 63	Skaggs	Walton Gray
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PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Chappelle-Nadal	Hughes	Lipke	McDonald
Meiners	Nasheed	Newman	Pratt	Spreng
Stevenson	Whitehead			

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Loehner
Low	McClanahan	McGhee	McNary	McNeil
Meadows	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Burnett	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Chappelle-Nadal	Lipke	McDonald	Meiners
Newman	Self	Spreng	Stevenson	

VACANCIES: 001

# HOUSE BILL WITH SENATE AMENDMENTS

**SCS HCS HB 1544**, relating to unemployment compensation, was taken up by Representative Fisher (125).

Representative LeVota raised a point of order that **SCS HCS HB 1544** was not distributed.

**SCS HCS HB 1544, with point of order, pending**, was laid over.

## THIRD READING OF HOUSE JOINT RESOLUTIONS

**HCS HJR 86**, relating to the right to raise animals, was taken up by Representative Loehner.

On motion of Representative Loehner, **HCS HJR 86** was read the third time and passed by the following vote:

AYES: 096

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Conway	Cooper	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Hughes
Hummel	Iceet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Kraus	Kuessner
Lair	Largent	Leara	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Silvey
Smith 14	Smith 150	Stream	Sutherland	Thomson
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Zerr
Mr Speaker				

NOES: 052

Atkins	Brown 50	Burnett	Calloway	Carter
Casey	Colona	Corcoran	Curls	Dougherty
Englund	Fallert	Frame	Grill	Harris
Hodges	Hoskins 80	Jones 63	Kander	Kirkton
Komo	Kratky	LeBlanc	LeVota	Liese
McClanahan	McNeil	Meadows	Morris	Norr
Oxford	Pace	Quinn	Salva	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Wright
Yaeger	Zimmerman			

PRESENT: 001

Low

ABSENT WITH LEAVE: 013

Brown 30	Chappelle-Nadal	Cox	Lampe	Lipke
McDonald	Meiners	Newman	Nolte	Self
Stevenson	Tilley	Vogt		

VACANCIES: 001

Speaker Richard declared the bill passed.

**HJR 76**, relating to wildlife and forestry resources, was taken up by Representative Dethrow.

On motion of Representative Dethrow, **HJR 76** was read the third time and passed by the following vote:

AYES: 126

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Ice	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Largent	Leara
LeBlanc	Liese	Loehner	McClanahan	McGhee
McNary	Meadows	Molendorp	Munzlinger	Nance
Nieves	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Shively	Silvey	Smith 14
Smith 150	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 023

Atkins	Burnett	Jones 63	Kirkton	LeVota
Low	McNeil	Morris	Nasheed	Oxford
Pace	Schaaf	Schupp	Skaggs	Spreng
Still	Talboy	Walton Gray	Webb	Webber
Whitehead	Yaeger	Zimmerman		



PRESENT: 000

ABSENT WITH LEAVE: 013

Chappelle-Nadal	Cox	Curls	Kander	Lampe
Lipke	McDonald	Meiners	Newman	Nolte
Self	Stevenson	Vogt		

VACANCIES: 001

Speaker Richard declared the bill passed.

### HOUSE BILL WITH SENATE AMENDMENTS

**SCS HCS HB 1544, with point of order, pending**, relating to unemployment compensation, was again taken up by Representative Fisher (125).

The Chair ruled the point of order not timely.

On motion of Representative Fisher (125), **SCS HCS HB 1544** was adopted by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayes	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

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NOES: 009

Brown 30	Davis	Emery	Ervin	Guernsey
Jones 89	Koenig	Kraus	Nieves	

PRESENT: 000

ABSENT WITH LEAVE: 009

Chappelle-Nadal	Cox	Lipke	McDonald	Meiners
Newman	Nolte	Self	Stevenson	

VACANCIES: 001

On motion of Representative Fisher (125), **SCS HCS HB 1544** was truly agreed to and finally passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 009

Brown 30	Davis	Emery	Ervin	Guernsey
Jones 89	Koenig	Kraus	Nieves	

PRESENT: 000

ABSENT WITH LEAVE: 011

Chappelle-Nadal	Cox	Lipke	McDonald	Meiners
Nasheed	Newman	Nolte	Self	Stevenson
Wright				

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Loehner	Low	McClanahan	McGhee
McNary	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nasheed	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 009

Brown 30	Davis	Emery	Ervin	Guernsey
Jones 89	Koenig	Kraus	Nieves	

PRESENT: 000

ABSENT WITH LEAVE: 012

Chappelle-Nadal	Cox	Liese	Lipke	McDonald
Meiners	Nance	Newman	Nolte	Schad
Self	Stevenson			

VACANCIES: 001

### THIRD READING OF HOUSE BILLS - CONSENT

**HB 1208**, relating to military right of sepulcher, was taken up by Representative Day.

On motion of Representative Day, **HB 1208** was read the third time and passed by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Loehner	Low	McClanahan	McGhee	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Chappelle-Nadal	Cox	Lipke	McDonald	Meiners
Newman	Nolte	Self	Stevenson	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1745**, relating to abandoned military medals, was taken up by Representative Day.

On motion of Representative Day, **HB 1745** was read the third time and passed by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Ice
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Loehner	Low	McClanahan	McGhee	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Chappelle-Nadal	Cox	Lipke	McDonald	Meiners
Newman	Nolte	Self	Stevenson	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1559**, relating to public library district reports, was taken up by Representative Brown (30).

On motion of Representative Brown (30), **HB 1559** was read the third time and passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Colona	Conway	Corcoran
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McGhee	McNary	McNeil	Meadows
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Chappelle-Nadal	Cooper	Cox	Leara	Lipke
McDonald	Meiners	Newman	Nolte	Self
Stevenson	Wallace			

VACANCIES: 001

Speaker Richard declared the bill passed.

### RECESS

Representative Tilley moved that the House stand in recess until such time that **SCS HCS HB 1544** is signed by the Speaker and then stand adjourned until 4:00 p.m., Monday, March 15, 2010.

The hour of recess having expired, the House was called to order by Speaker Richard.

### SIGNING OF HOUSE BILL

All other business of the House was suspended while **SCS HCS HB 1544** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HCS HB 1544** was delivered to the Governor by the Chief Clerk of the House.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 2260** - Veterans  
**HB 2261** - Veterans  
**HB 2262** - Veterans  
**HB 2264** - Veterans

### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR**s 48, 50 & 57 (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Crime Prevention**, Vice Chairman Keeney reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 1695**, **HB 1742** and **HB 1674**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1375**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1904**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Real ID and Personal Privacy**, Chairman Guest reporting:

Mr. Speaker: Your Committee on Real ID and Personal Privacy, to which was referred **HCR 25, HCR 29 and HCR 39**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE CONCURRENT RESOLUTION NOS. 25, 29 & 39

WHEREAS, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

WHEREAS, the people of the state of Missouri are not united with the people of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

WHEREAS, all power not delegated by the people to government is retained; and

WHEREAS, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only; and

WHEREAS, this resolution affirms Missouri's sovereignty under the Tenth Amendment to the Constitution of the United States and demands the federal government to halt its practice of assuming powers and imposing mandates upon the state for purposes not enumerated by the Constitution of the United States; and

WHEREAS, Article I, Section 1 of the Missouri Constitution states:

"That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."; and

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the Tenth Amendment to the Constitution of the United States assures that each sovereign State possesses rights the federal government may not usurp; and

WHEREAS, the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and



WHEREAS, the First Amendment to the Constitution guarantees to "the right of the people...to petition the Government for a redress of grievances"; and

WHEREAS, today, in 2010, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, Article IV, Section 4 of the Constitution of the United States reads that "The United States shall guarantee to every State in this Union a Republican Form of Government" and the Ninth Amendment to the Constitution of the United States reads that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States and the Missouri Constitution:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

BE IT FURTHER RESOLVED that this concurrent resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and

BE IT FURTHER RESOLVED that all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

BE IT FURTHER RESOLVED that the sovereign State of Missouri reserves the right to declare any such Act void by the Congress of the United States, Executive Order of the President of the United States of America, or Judicial Order by the Judiciaries of the United States of America which assumes a power not delegated to the government of the United States of America by the Constitution of the United States of America and which serves to diminish the liberty of any of the several States or their citizens are unconstitutional under the Constitution of the United States of America by the government of the United States of America; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House of Representatives and President of the Senate of each state's legislature, and each member of the Missouri Congressional delegation.

Mr. Speaker: Your Committee on Real ID and Personal Privacy, to which was referred **HJR 88**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Real ID and Personal Privacy, to which was referred **HB 2161**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on State Parks and Waterways**, Chairman Pollock reporting:

Mr. Speaker: Your Committee on State Parks and Waterways, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, the rivers and streams of the State of Missouri are a great natural resource and benefit to the citizens of Missouri and the aquatic life therein; and

WHEREAS, these rivers and streams run through the heartland and fertile bottom lands that produce our abundant food supply; and

WHEREAS, the farmers and landowners who have lived and farmed on these stream banks for generations have the right to protect and preserve their precious soil; and

WHEREAS, these streams need to be managed in a manner that is beneficial to the stream's aquatic life as well as the farmer's interest in protecting private property; and

WHEREAS, the federal and state agencies in charge of regulating in-stream activities, including stream bank stabilization, gravel removal and excavation, willow removal, or a combination thereof, and their commenting groups should use unbiased scientific studies and evidence of projects completed in the past by agencies or individuals; and

WHEREAS, the federal and state agencies as well as their commenting groups that are in charge of protecting the aquatic life and environment of these streams and rivers should base their decisions and practices on unbiased scientific studies or facts and not undertake actions to achieve policy goals:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby promote the use of sound scientific research and data that is produced from unbiased university studies; and

BE IT FURTHER RESOLVED that federal and state agencies as well as their commenting groups base past and future decisions and practices involving any stream activity inside the high banks on unbiased scientific university studies along with practices that have been proven effective over generations of landowner implementing; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the United States Army Corps of Engineers, the Bureau of Land Management and the Fish and Wildlife Service within the United States Department of Interior, the United States Environmental Protection Agency, the United States Department of Agriculture, the Missouri Department of Conservation, the Missouri Department of Agriculture, and the Missouri Department of Natural Resources.

**Committee on Transportation**, Chairman Dixon reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1664**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1970**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2111**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2159**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1290**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1424**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1516**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2295**, introduced by Representatives Holsman, LeBlanc, Oxford, Calloway, Aull, Walton Gray, Newman, Morris, Jones (63) and Brown (50), relating to the KidCare Co-op program.

**HB 2296**, introduced by Representatives Low and Oxford, relating to corporate tax disclosures.

**HB 2297**, introduced by Representatives Molendorp and Holsman, relating to the establishment of the Kansas City zoological district.

**HB 2298**, introduced by Representative Storch, relating to financing by municipalities for energy improvements.

**HB 2299**, introduced by Representatives Englund, Funderburk, Schlottach, Dixon, Wasson, Day, Oxford, Schoemehl and Yaeger, relating to the sale of unclaimed property.

**HB 2300**, introduced by Representatives Wilson (130), Faith, Curls, Burnett, Walsh, Witte, Bruns, Nolte and Morris, relating to ethics.

**HB 2301**, introduced by Representative Sutherland, relating to income taxation.

**HB 2302**, introduced by Representatives Sutherland, McNeil, Kuessner, Oxford and Englund, relating to the implementation of the streamlined sales and use tax agreement.

**HB 2303**, introduced by Representatives Schad, Wallace and Dieckhaus, relating to the race to the top program.

**HB 2304**, introduced by Representatives Webber, Hummel, Kander and Still, relating to the licensing of home inspectors.

**HB 2305**, introduced by Representative Kelly, relating to certain state funds.

**HB 2306**, introduced by Representatives Guest and Nance, relating to developmental disabilities facilities.

**HB 2307**, introduced by Representative Cooper, relating to regulation of motor vehicles and drivers licensing.

**HB 2308**, introduced by Representative Burlison, relating to health coverage benefits to Medicare eligible participants in the state employee health insurance program.

**HB 2309**, introduced by Representatives Brown (149), Lair, Cooper, Riddle and Tracy, relating to vaccination of dogs and cats against rabies.

**HB 2310**, introduced by Representatives Schoeller, Funderburk, Bivins, Riddle and Viebrock, relating to infrastructure replacement surcharges.

**HB 2311**, introduced by Representatives Allen, Bivins, Guernsey, Holsman, Jones (89), Storch, McClanahan, Flanigan, Zerr and Riddle, relating to combined heat and power.

**HB 2312**, introduced by Representative Gatschenberger, relating to research park annexation.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 47**.

#### **SENATE CONCURRENT RESOLUTION NO. 47**

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SB 577**, entitled:

An act to repeal sections 105.955, 105.957, 105.959, 105.961, 105.966, 130.021, 130.031, and 130.044, RSMo, and to enact in lieu thereof eight new sections relating to Missouri ethics commission oversight over public officials while serving in and running for office, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 614**, entitled:

An act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 630**, entitled:

An act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions and an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 685**, entitled:

An act to repeal section 375.1255, RSMo, and to enact in lieu thereof two new sections relating to the financial condition of certain insurance companies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 754**, entitled:

An act to repeal sections 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550, RSMo, and to enact in lieu thereof thirty new sections relating to cemeteries, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 767**, entitled:

An act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to funds for courtroom renovation and technology enhancement.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 768**, entitled:

An act to repeal sections 167.151 and 168.151, RSMo, and to enact in lieu thereof two new sections relating to payment of tuition for certain nonresident students in certain school districts, with penalty provisions for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 773**, entitled:

An act to repeal section 362.111, RSMo, and to enact in lieu thereof one new section relating to international transactions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 774**, entitled:

An act to repeal section 630.220, RSMo, and to enact in lieu thereof two new sections relating to department of mental health protection measures, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 801**, entitled:

An act to amend chapter 407, RSMo, by adding thereto one new section relating to identity theft protection.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 897**, entitled:

An act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commissioners, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 900**, entitled:

An act to repeal sections 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, and 376.758, RSMo, and to enact in lieu thereof thirteen new sections relating to the Missouri life and health insurance guaranty association act.

In which the concurrence of the House is respectfully requested.

## **COMMITTEE APPOINTMENTS**

March 4, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Tishaura Jones from the Special Standing Committee on Urban Issues. I hereby appoint Representative Michael Brown to fill the vacancy on the Special Standing Committee on Urban Issues.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

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March 4, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Michael Brown from the Elections Committee. I hereby appoint Representative Pat Conway to fill the vacancy on the Elections Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## MESSAGE FROM THE GOVERNOR

March 4, 2010

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
95<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 1544** entitled:

"AN ACT"

To repeal sections 288.062 and 288.500, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

On March 4, 2010, I approved said **Senate Committee Substitute for House Committee Substitute for House Bill No. 1544**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

The following members' presence was noted: Meiners and Stevenson.



## **ADJOURNMENT**

On motion of Speaker Richard, the House adjourned until 4:00 p.m., Monday, March 15, 2010.

## **COMMITTEE MEETINGS**

### **BUDGET**

Monday, March 15, 2010, 9:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### **BUDGET**

Tuesday, March 16, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### **BUDGET**

Wednesday, March 17, 2010, upon morning adjournment Hearing Room 3.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### **BUDGET**

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### **ELECTIONS**

Tuesday, March 16, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1531, HB 2153

### **ENERGY AND ENVIRONMENT**

Tuesday, March 16, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

### **FISCAL REVIEW**

Wednesday, March 17, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, March 18, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### HEALTHCARE TRANSFORMATION

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1495

#### HIGHER EDUCATION

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 1.

Executive session. AMENDED

#### PUBLIC SAFETY

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1693, HB 1942, HB 1947, HB 2070

#### RETIREMENT

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2122, HB 2221

#### SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 16, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session may be held.

Public hearing to be held on: HB 1562, HB 1786, HB 1788

#### SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, March 15, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1960

#### VETERANS

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearing to be held on: HB 2260, HB 2114, HB 2264, HB 2262, HB 2261, HB 2147

#### VETERANS

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 2.

Executive session only.

**HOUSE CALENDAR**

THIRTY-FOURTH DAY, MONDAY, MARCH 15, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2295 through HB 2312

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1446 - Jones (89)
- 4 HCS#2 HB 1472 - Franz
- 5 HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811 - Stevenson

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/1/2010)

- 1 HB 1258 - Todd
- 2 HB 1268 - Meiners
- 3 HB 1336 - Bandom
- 4 HB 1340 - Dugger
- 5 HB 1612 - Molendorp
- 6 HCS HB 1382 - Ervin
- 7 HB 1677 - Hoskins (80)
- 8 HB 1691 - Kraus
- 9 HB 1713 - Sander
- 10 HB 1775 - Shively
- 11 HB 1776 - Shively

(3/2/2010)

HB 1657 - Dethrow

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 48, 50 & 57 - Jones (89)

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 1840 - Wright

**SENATE BILLS FOR SECOND READING**

- |    |                 |
|----|-----------------|
| 1  | SS#2 SCS SB 577 |
| 2  | SB 614          |
| 3  | SCS SB 630      |
| 4  | SCS SB 685      |
| 5  | SCS SB 754      |
| 6  | SB 767          |
| 7  | SB 768          |
| 8  | SB 773          |
| 9  | SCS SB 774      |
| 10 | SB 801          |
| 11 | SB 897          |
| 12 | SB 900          |

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-FOURTH DAY, MONDAY, MARCH 15, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

You, O Lord, frustrate the plans of the nations and thwart all their schemes. But, Your plans stand firm forever; Your intentions can never be shaken.

We thank You, Lord God, that You know our limitations and in stressful moments, when all seem to crash around us, may we recognize them also. We are grateful for our weaknesses; for then we must look to You for strength.

As we return from spring break, refreshed and rested, we want to acknowledge and give thanks, to You, for the mentors and teachers You placed in our lives and their words of wisdom that still speak today. May You use us, in like manner, as positive mentors, role models and instructors to the next generation of legislators.

Lord, we chose today, to pay close attention to wisdom and listen intently to understanding. By doing so, we exercise discretion and what we do and say will be by wisdom and good instruction. Guide us throughout this week. May we accomplish what is good in Your sight and beneficial for all concerned.

Now, may You, Heavenly Father, who has loved us and given us eternal encouragement and good hope by grace, encourage our hearts and strengthen us in every good work and word.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-third day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1123 through House Resolution No. 1187

## SECOND READING OF HOUSE BILLS

**HB 2295** through **HB 2312** were read the second time.

## SECOND READING OF SENATE BILLS

**SS#2 SCS SB 577, SB 614, SCS SB 630, SCS SB 685, SCS SB 754, SB 767, SB 768, SB 773, SCS SB 774, SB 801, SB 897 and SB 900** were read the second time.

## PERFECTION OF HOUSE BILL

**HCS#2 HB 1472**, relating to controlled substances, was taken up by Representative Franz.

Representative Talboy offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute No. 2 for House Bill No. 1472, Page 19, Section 195.017, Line 645, by inserting immediately after said line the following:

“195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.

2. Any person who violates this section **is guilty of a class C felony** with respect to any controlled substance except thirty-five grams or less of: [marijuana]

(1) **Marijuana**;

(2) **Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n-4,6, or 7;**

(3) **Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;**

(4) **Indole, or 1-pentyl-3(1-naphthoyl)indole; or**

(5) **Indole, or 1-butyl-3(1-naphthoyl)indole** [is guilty of a class C felony].

3. Any person who violates this section **is guilty of a class A misdemeanor** with respect to not more than thirty-five grams or less of: [marijuana]

(1) **Marijuana**;

(2) **Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n-4,6, or 7;**

(3) **Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;**

(4) **Indole, or 1-pentyl-3(1-naphthoyl)indole; or**

(5) **Indole, or 1-butyl-3(1-naphthoyl)indole** [is guilty of a class A misdemeanor].”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda offered **House Amendment No. 1 to House Amendment No. 2**.

### *House Amendment No. 1*

to

### *House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute No. 2 for House Bill No. 1472, Page 1, Line 22 of said amendment, by inserting immediately after the quotation mark of said line, the following:

‘; and

Further amend said bill, Page 15, Section 195.017, Line 487, by inserting immediately after said line the following:

“(p) **ephedrine**;”; and

Further amend said section, Page 16, Line 517, by inserting immediately after said line the following:

“(tt) **pseudoephedrine**;”; and

Further amend said bill by renumbering said section accordingly; and

Further amend said page, Line 547, by inserting immediately before the word “Ephedrine” an opening bracket “[“; and

Further amend said page, Line 549, by inserting immediately before the word “The” a closing bracket “]”; and

Further amend said section, Page 17, Line 579, by inserting immediately before the first occurrence of the word “Any” an opening bracket “[“; and

Further amend said page, Line 583, by inserting immediately before the first occurrence of the word “Unless” a closing bracket “]”; and

Further amend said section, Page 18, Line 589, by inserting immediately before the number “11.” an opening bracket “[“; and

Further amend said section, Page 19, Line 645, by inserting immediately after the period on said line a closing bracket “]”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schaaf raised a point of order that **House Amendment No. 1 to House Amendment No. 2** goes beyond the scope of the amendment.

The Chair ruled the point of order not well taken.

Representative Roorda moved that **House Amendment No. 1 to House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 022

Dougherty	Dusenberg	Fischer 107	Flook	Funderburk
Grisamore	Guest	Jones 117	Kelly	Largent
Liese	Lipke	McDonald	McNary	McNeil
Roorda	Sander	Schlottach	Sutherland	Swinger
Tracy	Witte			

NOES: 134

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dugger	Emery	Englund	Ervin	Faith
Fallert	Fisher 125	Flanigan	Frame	Franz
Gatschenberger	Grill	Guernsey	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Kander
Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Leara	LeBlanc	LeVota	Loehner	Low

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McClanahan	McGhee	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Rucker	Ruestman	Ruzicka	Salva	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Talboy	Thomson
Tilley	Todd	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper	Dieckhaus	Diehl	Riddle	Stevenson
Viebrock				

VACANCIES: 001

Representative Talboy moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 037

Brown 50	Bruns	Burnett	Chappelle-Nadal	Colona
Curls	Day	Dethrow	Dusenberg	Franz
Grisamore	Guest	Holsman	Hughes	Hummel
Kander	Kelly	LeBlanc	LeVota	Liese
Low	Meiners	Nasheed	Norr	Oxford
Pace	Roorda	Schad	Schieffer	Self
Still	Talboy	Tilley	Vogt	Walton Gray
Webber	Yaeger			

NOES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Burlison	Calloway	Carter	Casey	Conway
Corcoran	Cox	Cunningham	Davis	Deeken
Denison	Dixon	Dougherty	Dugger	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Funderburk
Gatschenberger	Grill	Guernsey	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater



Scavuzzo	Schaaf	Scharnhorst	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Storch	Stream
Sutherland	Swinger	Thomson	Todd	Tracy
Wallace	Walsh	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Zerr	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper	Dieckhaus	Diehl	Riddle	Stevenson
Viebrock				

VACANCIES: 001

### Representative Meiners offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute No. 2 for House Bill No. 1472, Page 19, Section 195.017, Line 645, by inserting after all of said line the following:

**"195.600. 1. A qualifying patient who has in his or her possession written certification shall not be subject to arrest, prosecution, or penalty in any manner for the medical use of marijuana, provided the quantity of marijuana does not exceed an adequate supply.**

**2. As used in this section "written certification" means the qualifying patient's medical records or a statement signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the qualifying patient has a debilitating medical condition and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient.**

**195.602. 1. The authorization for the medical use of marijuana in sections 195.600 to 195.604 shall not apply to:**

- (1) The medical use of marijuana that compromises the health or well-being of another person, such as:**
  - (a) In a school bus, public bus, or other public vehicle;**
  - (b) In the areas of one's employment not designated for medical marijuana use;**
  - (c) On any school grounds other than areas designated for medical marijuana use;**
  - (d) In any correctional facility other than areas designated for medical marijuana use; or**
  - (e) At any public park, public beach, public recreation center, or youth center other than areas designated for medical marijuana use; and**

**(2) The use of marijuana by a qualifying patient, primary caregiver, or any other person for purposes other than medical use permitted by sections 195.600 to 195.604.**

**2. Notwithstanding any law to the contrary, fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be a petty misdemeanor and subject to a fine of five hundred dollars. Such penalty shall be in addition to any other penalties that may apply for the nonmedical use of marijuana.**

**195.604. A person and a person's primary caregivers may assert the medical use of marijuana as a defense to any prosecution involving marijuana, and such defense shall be presumed valid where the evidence shows that:**

- (1) The person's medical records indicate or a physician has stated that, in the physician's professional opinion after having completed a full assessment of the person's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the person; and**

(2) The person and the person's primary caregivers were collectively in possession of a quantity of marijuana that was not more than was reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose of alleviating the symptoms or effects of the person's medical condition."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Meiners moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 022

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Holsman	Hughes	Jones 63	Kelly	Kratky
LeVota	Liese	Low	Meiners	Nasheed
Newman	Oxford	Spreng	Still	Talboy
Vogt	Webber			

NOES: 133

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Kander	Keeney
Kingery	Kirkton	Koenig	Komo	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper	Dieckhaus	Diehl	Jones 117	Riddle
Schlottach	Stevenson			

VACANCIES: 001

On motion of Representative Franz, **HCS#2 HB 1472** was adopted.

On motion of Representative Franz, **HCS#2 HB 1472** was ordered perfected and printed.

### COMMITTEE REPORTS

**Special Standing Committee on Emerging Issues in Animal Agriculture**, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was referred **HB 1945**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1965**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### ADVANCEMENT OF HOUSE CONSENT BILLS

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 1258, HB 1268, HB 1336, HB 1340, HB 1612, HCS HB 1382, HB 1677, HB 1691, HB 1713, HB 1775 and HB 1776.**

### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 70**, introduced by Representatives Cunningham, Parson, Schlottach, Viebrock, Wasson, Pratt, Cox, Loehner, Hoskins (121), Denison, Wells, Fisher (125), Nance, Hobbs, Cooper, Burnett, Ruzicka, Komo, Fallert, Walsh, Schoemehl, Schieffer, Hodges, Emery, Spreng, Thomson, Deeken, Dougherty, Meadows, LeVota, Englund, Zimmerman, Talboy, Schad, Shively and Munzlinger, relating to credit unions housed in Department of Transportation facilities.

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2313**, introduced by Representatives Walton Gray, Holsman, Carter, Casey, Pace, LeBlanc, Brown (50), Rucker, Still, Jones (63), Nasheed, Hoskins (80) and Morris, relating to mortgages.

**HB 2314**, introduced by Representatives Brandom, Bivins and Wells, relating to the designation of Native American Day.

**HB 2315**, introduced by Representative Conway, relating to political party emblems on ballots.

**HB 2316**, introduced by Representatives Biermann, Meadows, Schieffer and Atkins, relating to expenses of members of the legislature.

**HB 2317**, introduced by Representative Tracy, to authorize the conveyance of certain state properties.

**HB 2318**, introduced by Representatives Day and Brown (149), relating to unemployment benefits.

## COMMUNICATION

January 12, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306-C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written letter of a possible interest in legislation that may be voted on during this legislative session.

As an agent for Farmers Insurance, sole owner of Chris Molendorp Insurance Agency Inc., I sell and service multiple lines of the insurance. My wife, Julie Molendorp owns Molendorp Appraisals, Inc., a company which provides residential and commercial appraising services for contract vendors. Responsibilities of this company require us to work in the property valuation/real estate industry.

This letter is to notify the general public of my interest in the above mentioned industries. In order to comply with Section 105.461, RSMo, please publish this report in the Journal of the House. Should you have any questions or require additional information, please let me know.

Best regards,

/s/ Chris Molendorp  
District 123

The following members' presence was noted: Riddle and Stevenson.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, March 16, 2010.

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Tuesday, March 16, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1659, HB 2102, HB 1833

### AGRICULTURE POLICY

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1848

### BUDGET

Tuesday, March 16, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### BUDGET

Wednesday, March 17, 2010, Hearing Room 3 upon morning adjournment.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### BUDGET

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### ELECTIONS

Tuesday, March 16, 2010, 8:15 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 1531, HB 2153

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 6.

Executive session.

### ENERGY AND ENVIRONMENT

Tuesday, March 16, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

### FISCAL REVIEW

Wednesday, March 17, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, March 18, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### HEALTHCARE TRANSFORMATION

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1495

#### HIGHER EDUCATION

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 1.

Executive session. AMENDED

#### INSURANCE POLICY

Wednesday, March 17, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2156, HB 1468

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

#### JUDICIARY

Wednesday, March 17, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1407, HB 1640, HB 1799

#### LOCAL GOVERNMENT

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1959

#### PUBLIC SAFETY

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1693, HB 1942, HB 1947, HB 2070

#### RETIREMENT

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2122, HB 2221

**RULES - PURSUANT TO RULE 25(32)(f)**

Tuesday, March 16, 2010, 5:30 p.m. Hearing Room 4.

Possible Executive session.

Public hearings to be held on: HB 1270, HCS HB 1290, HCS HB 1310, HB 1330, HCS HB 1375, HB 1392, HB 1424, HB 1486, HB 1494, HCS HB 1541, HCS HB 1580, HB 1595, HB 1643, HB 1662, HB 1664, HB 1705, HCS HB 1707, HB 1778, HB 1802, HB 1824, HCS HB 1831, HCS HB 1841, HCS HB 1858, HB 1892, HB 1904, HB 1941, HCS HB 1943, HCS HB 1970, HB 2111, HB 2159, HCS HB 2161

**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

**SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE**

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearing to be held on: HB 2225

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, March 16, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session may be held.

Public hearing to be held on: HB 1562, HB 1786, HB 1788

**SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING**

Tuesday, March 16, 2010, 5:00 p.m. Hearing Room 4.

Executive session only.

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, March 17, 2010, House Chamber south gallery upon morning adjournment.

Executive session.

**VETERANS**

Tuesday, March 16, 2010, 12:00 p.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 2260, HB 2114, HB 2264, HB 2262, HB 2261, HB 2147

**VETERANS**

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 2.

Executive session only.

**HOUSE CALENDAR**

THIRTY-FIFTH DAY, TUESDAY, MARCH 16, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 70

**HOUSE BILLS FOR SECOND READING**

HB 2313 through HB 2318

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1     HCS HB 1684 - Zerr
- 2     HCS#2 HB 1543 - Wallace
- 3     HCS HB 1446 - Jones (89)
- 4     HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811 - Stevenson

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/2/2010)

HB 1657 - Dethrow

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 48, 50 & 57 - Davis



**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HCS HB 1840 - Wright
- 2 HB 1258 - Todd
- 3 HB 1268 - Meiners
- 4 HB 1336 - Bandom
- 5 HB 1340 - Dugger
- 6 HB 1612 - Molendorp
- 7 HCS HB 1382 - Ervin
- 8 HB 1677 - Hoskins (80)
- 9 HB 1691 - Kraus
- 10 HB 1713 - Sander
- 11 HB 1775 - Shively
- 12 HB 1776 - Shively

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-FIFTH DAY, TUESDAY, MARCH 16, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, our attention and our support are sought through hearings, proposals, bills, debate and communication of every sort. May the wisdom of Jesus be fulfilled in us: "He (and she) who has ears to hear, let him hear," (*Matthew 11:15*).

Yes, Lord, give us ears to hear and assimilate all that is brought before us. Grant us the ability to hear fully, that we might comprehend the various dimensions of truth. Bless us with the wisdom and understanding to recognize Your Word when it is spoken in the human voice or in the written word.

We ask for the gift of good judgment that we might give the right priority to the various issues. May the outcome of our work be an equity and justice that is in harmony with Your will. To You, Almighty God, be glory and honor forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Wyatt Archer, Aria Grace Wilson, Lucas Sean Wilson, Eva Ann Williamson, Logan Phelps, Jackson Phelps, Ethan Carter, Solomon Bailey, Thaddeus Bailey, Elias Bailey, Ezra Bailey, Jacob Petrov, Allison Petrov, Mason Petrov, Tyler Petrov, Zachary Ohrenberg, Averi Kroenke, Cole Smith, Ryan McClusky, Esgar Torres, Destyni Speidel, Tyler Kroenke, Trevor Kroenke, Jonathon Woodrome, Rhiannon Foster, Garrett McGowan, Alys Schoolcraft, Kiersten Foster and Madison Stoddard.

The Journal of the thirty-fourth day was approved as printed.

## SPECIAL RECOGNITION

The Neosho High School Wrestling Team was introduced by Representative Wilson (130) and recognized for attaining the Class 3A State Championship.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1188 through House Resolution No. 1204

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 70** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2313** through **HB 2318** were read the second time.

## THIRD READING OF HOUSE JOINT RESOLUTION

**HCS HJR 48, 50 & 57**, relating to health care system participation, was taken up by Representative Jones (89).

Representative Parkinson assumed the Chair.

Speaker Richard assumed the Chair.

On motion of Representative Jones (89), **HCS HJR 48, 50 & 57** was read the third time and passed by the following vote:

AYES: 109

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Koenig
Komo	Kratky	Kraus	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nieves	Parkinson	Parson	Pollock
Pratt	Quinn	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 046

Atkins	Bringer	Brown 50	Burnett	Calloway
Carter	Chappelle-Nadal	Colona	Corcoran	Curls
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Kuessner	Lampe
LeBlanc	LeVota	Low	McClanahan	McDonald
McNeil	Morris	Newman	Norr	Oxford

Pace	Salva	Schupp	Skaggs	Spreng
Still	Storch	Talboy	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Diehl	Franz	Kingery	Nasheed	Nolte
Riddle	Roorda			

VACANCIES: 001

Speaker Richard declared the bill passed.

### PERFECTION OF HOUSE BILL

**HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811**, relating to the justice system, was taken up by Representative Stevenson.

Representative Stevenson offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 8, Section 193.087, Line 13, by deleting “**454.455**” and inserting in lieu thereof “**454.400**”; and

Further amend said bill, Page 12, Section 193.128, Line 35, by deleting all of said line and inserting in lieu thereof the following:

**“certificate of birth. If the state registrar does not have sufficient information or resources to locate and make contact with the birth mother, the state registrar may refer the adopted person to, or work in conjunction with, the child placing agency or the juvenile court to make the contact and conduct the search as provided in section 453.121. The state registrar, the child placing agency, or the juvenile court personnel may charge actual costs to the adopted person for”; and**

Further amend said bill, Page 12, Line 42, after the “.” on said line by inserting the following:

**“If the birth mother gives her consent, the state registrar, the child placing agency, or the juvenile court shall also release to the adopted person the identifying information obtained as a result of the search.”; and**

Further amend said bill, Page 61, Section 1, by deleting said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Corcoran offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*  
to  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 1, Line 9 of said amendment, by deleting the word “**may**” and inserting in lieu thereof the word “**shall**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Corcoran moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

NOES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Cooper	Diehl	Dixon	Low
Nasheed	Riddle	Salva	Vogt	

VACANCIES: 001

On motion of Representative Stevenson, **House Amendment No. 1** was adopted.

Representative Stevenson offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 57, Section 542.286, Line 11, by inserting after all of said line the following:

“563.011. As used in this chapter the following terms shall mean:

(1) "Deadly force", physical force which the actor uses with the purpose of causing or which he or she knows to create a substantial risk of causing death or serious physical injury;

(2) "Dwelling", any building, inhabitable structure, or conveyance of any kind, whether the building, inhabitable structure, or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night;

(3) "Forcible felony", any felony involving the use or threat of physical force or violence against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping, assault, and any forcible sexual offense;

(4) "Premises", includes any building, inhabitable structure and any real property;

(5) "Private person", any person other than a law enforcement officer;

(6) **"Private property", any real property in this state that is privately owned or leased;**

(7) "Remain after unlawfully entering", to remain in or upon premises after unlawfully entering as defined in this section;

[(7)] (8) "Residence", a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest;

[(8)] (9) "Unlawfully enter", a person unlawfully enters in or upon premises **or private property** when he or she enters such premises **or private property** and is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters in or upon **private property** or premises that are at the time open to the public does so with license unless he or she defies a lawful order not to enter, personally communicated to him or her by the owner of such premises or by another authorized person. A license to enter in a building that is only partly open to the public is not a license to enter in that part of the building that is not open to the public.

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself or herself or another against death, serious physical injury, or any forcible felony; [or]

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; **or**

**(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual claiming a justification of using protective force under this section.**

3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. **A person does not have a duty to retreat from private property that is owned or leased by such individual.**

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section.”; and

Further amend said bill, Section 571.030, Page 60, Line 132, by inserting after all of said line the following:

“571.070. 1. A person commits the crime of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class C felony.

**3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.**

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-three] **twenty-one** years of age, is a citizen of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the armed forces stationed in Missouri, or the spouse of such member of the military;

(2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

(4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) Has not been discharged under dishonorable conditions from the United States armed forces;

(6) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(8) Submits a completed application for a certificate of qualification as defined in subsection 3 of this section;

(9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(10) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the armed forces stationed in Missouri or the spouse of such a member of the armed forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least [twenty-three] **twenty-one** years of age;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States armed forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The



sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, RSMo, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.104. 1. (1) A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such concealed carry

endorsement under the criteria established in subdivisions (2), (3), (4), (5), and (7) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection.

(2) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, to the officer, or other official serving the order, warrant, discharge, or commitment.

(3) The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return it to the individual.

(4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and shall report the change in status of the concealed carry endorsement to the Missouri uniform law enforcement system. The director of revenue shall immediately remove the endorsement issued pursuant to sections 571.101 to 571.121 from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo, which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry endorsement shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing a concealed carry endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a certificate of qualification which contains the date such certificate was renewed.

3. A person who has been issued a certificate of qualification for a concealed carry endorsement who fails to file a renewal application on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired certificate shall notify the director of revenue that such certificate is expired. The director of revenue shall immediately cancel the concealed carry endorsement and remove such endorsement from the individual's driving record and notify the individual of such cancellation. The notice of cancellation of the endorsement shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121 who fails to renew his or her application within the six-month period must reapply for a new certificate of qualification for a concealed carry endorsement and pay the fee for a new application. The director of revenue shall not issue an endorsement on a renewed driver's license or renewed nondriver's license unless the applicant for such license provides evidence that he or she has renewed the certification of qualification for a concealed carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to 571.121. If an applicant for renewal of a driver's license or nondriver's license containing a concealed carry endorsement does not want to maintain the concealed carry endorsement, the applicant shall inform the director at the time of license renewal of his or her desire to remove the endorsement. When a driver's or nondriver's license applicant informs the director of his or her desire to remove the concealed carry endorsement, the director shall renew the driver's license or nondriver's license without the endorsement appearing on the license if the applicant is otherwise qualified for such renewal.

4. Any person issued a concealed carry endorsement pursuant to sections 571.101 to 571.121 shall notify the department of revenue and the sheriffs of both the old and new jurisdictions of the endorsement holder's change of residence within thirty days after the changing of a permanent residence. The endorsement holder shall furnish proof

to the department of revenue and the sheriff in the new jurisdiction that the endorsement holder has changed his or her residence. **The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence.** The change of residence shall be made by the department of revenue onto the individual's driving record and the new address shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

5. Any person issued a driver's license or nondriver's license containing a concealed carry endorsement pursuant to sections 571.101 to 571.121 shall notify the sheriff or his or her designee of the endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her driver's license or nondriver's license containing a concealed carry endorsement. The endorsement holder shall furnish a statement to the sheriff that the driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a driver's license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue a new certificate of qualification within three working days of being notified by the concealed carry endorsement holder of its loss or destruction. The reissued certificate of qualification shall contain the same personal information, including expiration date, as the original certificate of qualification. The applicant shall then take the certificate to the department of revenue, and the department of revenue shall proceed on the certificate in the same manner as provided in subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, RSMo, the director of revenue shall issue a driver's license or nondriver's license containing a concealed carry endorsement if the applicant is otherwise eligible to receive such license.

6. If a person issued a concealed carry endorsement changes his or her name, the person to whom the endorsement was issued shall obtain a corrected certificate of qualification for a concealed carry endorsement with a change of name from the sheriff who issued such certificate upon the sheriff's verification of the name change. **The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected certificate of qualification.** The endorsement holder shall furnish proof of the name change to the department of revenue and the sheriff within thirty days of changing his or her name and display his or her current driver's license or nondriver's license containing a concealed carry endorsement. The endorsement holder shall apply for a new driver's license or nondriver's license containing his or her new name. Such application for a driver's license or nondriver's license shall be made pursuant to chapter 302, RSMo. The director of revenue shall issue a driver's license or nondriver's license with concealed carry endorsement with the endorsement holder's new name if the applicant is otherwise eligible for such license. The director of revenue shall take custody of the old driver's license or nondriver's license. The name change shall be made by the department of revenue onto the individual's driving record and the new name shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

7. A concealed carry endorsement shall be automatically invalid after thirty days if the endorsement holder has changed his or her name or changed his or her residence and not notified the department of revenue and sheriff of a change of name or residence as required in subsections 4 and 6 of this section.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business

within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) [and], (4), **and (10)** of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child-care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo, which does not contain such endorsement. A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Pratt resumed the Chair.

Representative Kelly offered **House Amendment No. 1 to House Amendment No. 2.**

**House Amendment No. 1 to House Amendment No. 2** was withdrawn.

On motion of Representative Stevenson, **House Amendment No. 2** was adopted by the following vote:

AYES: 130

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox

Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Roorda
Rucker	Ruestman	Ruzicka	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 022

Atkins	Burnett	Chappelle-Nadal	Curls	Englund
Hughes	Kirkton	LeBlanc	LeVota	Low
Morris	Newman	Oxford	Schupp	Skaggs
Spreng	Still	Talboy	Vogt	Walton Gray
Webb	Whitehead			

PRESENT: 000

ABSENT WITH LEAVE: 010

Diehl	Flanigan	Holsman	Jones 63	McNary
Nasheed	Riddle	Salva	Sander	Sutherland

VACANCIES: 001

### Representative Witte offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute No. 2 for House Committee Substitute for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 49, Section 441.645, Line 4, by inserting after all of said line the following:

“452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child's educational needs;
- (5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and

(6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the family support division may determine the amount of the abatement pursuant to this subsection for any child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454, RSMo. If the case is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the automated child support system record established in chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent;

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply; or

(6) Reaches age twenty-one, unless the provisions of the child support order specifically extend the parental support order past the child's twenty-first birthday for reasons provided by subsection 4 of this section.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-one, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. When enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his or her courseload in any one semester, payment of child support may be terminated and shall not be eligible for reinstatement. Upon request for notification of the child's grades by the noncustodial parent, the child shall produce the required documents to the noncustodial parent within thirty days of receipt of grades from the education institution. If the child fails to produce the required documents, payment of child support may terminate without the accrual of any child support arrearage and shall not be eligible for reinstatement. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a developmental disability, as defined in section 630.005, RSMo, or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the family support division establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the **state case registry** or child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-one if the child support order does not specifically require payment of child support beyond age twenty-one for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the **family support division [of child support enforcement] for an order entered pursuant to section 454.470;**

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division **for an order entered pursuant to section 454.470**, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division, **as applicable**, on the child support obligee; and which is either acknowledged and affirmed by the



child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the family support division **for an order entered pursuant to section 454.470**, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, **as applicable**, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division, **as applicable**, on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a [motion to modify the support obligation pursuant to section 452.370 or section 454.496, RSMo,] **request for hearing** and shall proceed to hear and adjudicate such [motion] **request for hearing** as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such [motion to modify.] **request for hearing. When the division receives a request for hearing, the hearing shall be held in the manner provided by section 454.475.**

12. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 11 of this section on both the obligor and obligee parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370.”; and

Further amend said bill, Page 54, Section 454.425, Line 57, by inserting after all of said line the following:

“454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter 536, RSMo, by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140, RSMo.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall [use the scale and formula for minimum support obligations established by the department pursuant to section 454.480] **consider the factors set forth in section 452.340.**

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that parent, the hearing officer shall enter findings and order in accordance with the provisions of the notice and finding of support responsibility unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140, RSMo, by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision. Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child, the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822, RSMo. In determining the amount of child support, the director shall consider the factors set forth in section 452.340, RSMo. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.”; and

Further amend said bill, Page 54, Section 454.515, Line 21, by inserting after all of said line the following:

“454.517. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon any workers' compensation benefits payable to an obligor delinquent in child or spousal support payments.

2. No such lien shall be effective unless and until a written notice is filed with the director of the division of workers' compensation. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support.

3. Notice of lien shall not be filed unless the delinquent child or spousal support obligation exceeds one hundred dollars.

4. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment of workers' compensation benefits to such obligor or to such obligor's attorneys, heirs or legal representative, after receipt of such notice, as defined in subsection 5 of this section, shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section 208.040, RSMo, to the state or IV-D agency in an amount equal to the lesser of the workers' compensation benefits paid or delinquent child or spousal support. In such event, the lien may be enforced by a suit at law against any person or persons, firm or firms, corporation or corporations making the workers' compensation benefit payment.

5. Upon the filing of a notice pursuant to this section, the director of the division of workers' compensation shall mail to the obligor and to all attorneys and insurance carriers of record, a copy of the notice. The obligor, attorneys and insurance carriers shall be deemed to have received the notice within five days of the mailing of the notice by the director of the division of workers' compensation. The lien described in this section shall attach to all workers' compensation benefits which are thereafter payable.

**6. A notice issued by the IV-D agency of this state shall advise the obligor of the procedures to contest the lien pursuant to section 454.475 on the grounds that such lien is improper due to a mistake of fact by requesting a hearing within thirty days of the mailing date of the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the overdue support or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues.**

[6.] 7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligor's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.”; and

Further amend said bill, Page 54, Section 454.548, Line 5, by inserting after all of said line the following:

“454.557. 1. A current support obligation shall not be recorded in the records maintained in the automated child support system in the following cases:

(1) In a IV-D case with a support order pursuant to section 454.465 or 454.470 when the division determines that payments for current support are no longer due and should no longer be made to the payment center. The division shall notify by first class mail the obligor and obligee under the support orders that payments shall no longer be made to the payment center, and any withholding of income shall be terminated unless it is subsequently determined by the division or court having jurisdiction that payments will continue. The division's determination shall terminate the division's support order, but shall not terminate any obligation of support established by court order. The obligor and obligee may contest the decision of the division to terminate the division's support order by requesting a hearing within thirty days of the mailing of the notice provided pursuant to this section. The hearing shall comply with the provisions of section 454.475;

(2) In [a] **all [IV-D case] cases** with a support order entered by a court when the court that issued the support order terminates such order [and notifies the division]. The division shall also cease enforcing the order if no past support is due; or

(3) In all cases when the [child is twenty-two years of age, unless a court orders support to continue. The obligor or obligee may contest the decision of the division to terminate accruing support orders by requesting a hearing within thirty days of the mailing of notice by the division. The hearing shall comply with the provisions of section 454.475. The issue at the hearing, if any, shall be limited to a mistake of fact as to the age of the child or the existence of a court order requiring support after the age of twenty-two] **obligation of a parent to make child support payments is deemed terminated pursuant to subdivisions (1) to (4) of subsection 11 of section 452.340.**

2. Nothing in this section shall affect or terminate the amount due for unpaid past support.

454.1003. 1. A court or the director of the division of child support enforcement may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

(1) When the obligor is not making child support payments in accordance with a [court] **support** order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:

(1) Pays the entire arrearage stated in the notice;

(2) Enters into and complies with a payment plan approved by the court or the division; or

(3) Requests a hearing before the court or the director.

4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536, RSMo.

5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the division of child support enforcement may restrict such licenses in accordance with the provisions of this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**On motion of Representative Witte, House Amendment No. 3 was adopted.**

**Representative Oxford offered House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 56, Section 537.296, Line 3, by inserting after all of said line the following:

“537.528. 1. Any action [seeking money damages] against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous

or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on the motion on an expedited basis.

4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and includes any meeting established and held by a state or local governmental entity, including without limitations meetings or presentations before state, county, city, town or village councils, planning commissions, review boards or commissions.

5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party granted pursuant to another constitutional, statutory, common law or administrative provision, including civil actions for defamation.

6. If any provision of this section or the application of any provision of this section to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. The provisions of this section shall apply to all causes of actions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Oxford, **House Amendment No. 4** was adopted.

Representative Burnett offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 2, Section 58.370, Line 5, by inserting after all of said line the following:

“66.010. 1. Any county framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

3. The number of divisions of such county municipal court and its term shall be established by ordinance of the county.

4. Except in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county may provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat.

5. Judges of the county municipal court shall be licensed to practice law in this state and shall be residents of the county in which they serve. Municipal court judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a municipal court judge and **full-time municipal judges** shall not be a judge or prosecutor for any other court.

6. **Whenever any judge of the county municipal court shall become temporarily ill or otherwise unavailable, any county municipal court judge may appoint an acting county municipal court judge to take his or her place on a temporary basis. The acting county municipal court judge appointed shall be a person who already serves as a municipal court judge within the same judicial circuit. The provisions of subsection 5 of this section shall not apply to acting county municipal court judges.**

7. In establishing the county municipal court, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

[7.] 8. In a county municipal court established pursuant to this section, the county may provide by ordinance for court costs not to exceed the sum which may be provided by municipalities for municipal violations before municipal courts. The county municipal judge may assess costs against a defendant who pleads guilty or is found guilty except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such costs shall be collected by the authorized clerk and deposited into the county treasury.

[8.] 9. Provisions shall be made for recording of proceedings, except that if such proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases. In the event that such proceedings are recorded, all final decisions of the county municipal court shall be appealable on such record to the appellate court with appropriate jurisdiction.

[9.] 10. Any person charged with the violation of a county ordinance in a county which has established a county municipal court under the provisions of this section shall, upon request, be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard with a record being made.

[10.] 11. In the event that a court is established pursuant to this section, the circuit judges of the judicial circuit with jurisdiction within that county may authorize the judges of the county municipal court to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles as provided by local rule.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burnett, **House Amendment No. 5** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Hoskins 80	Hughes	Hummel
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Holsman	Jones 63	Jones 89	Nasheed
Riddle				

VACANCIES: 001

On motion of Representative Stevenson, **HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, was adopted.

On motion of Representative Stevenson, **HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1202** - Public Safety  
**HB 1276** - Public Safety  
**HB 1315** - Public Safety  
**HB 1380** - Judiciary  
**HB 1556** - Elections  
**HB 1598** - Corrections and Public Institutions  
**HB 1613** - Crime Prevention  
**HB 1614** - Special Standing Committee on Professional Registration and Licensing  
**HB 1721** - Public Safety  
**HB 1737** - Senior Citizen Advocacy  
**HB 1994** - Tourism  
**HB 2043** - Special Standing Committee on Infrastructure and Transportation Funding  
**HB 2061** - Public Safety  
**HB 2072** - Health Care Transformation  
**HB 2082** - Corrections and Public Institutions

**HB 2095** - Utilities  
**HB 2166** - Elementary and Secondary Education  
**HB 2245** - Elementary and Secondary Education  
**HB 2270** - Health Care Policy  
**HB 2272** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2277** - Elementary and Secondary Education  
**HB 2285** - Corrections and Public Institutions  
**HB 2294** - Elections  
**HB 2297** - Tourism  
**HB 2300** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 2301** - Ways and Means  
**HB 2312** - Local Government  
**HB 2317** - Corrections and Public Institutions

### COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 2182**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 2220**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **HB 1372**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 1812**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### ADVANCEMENT OF HOUSE CONSENT BILL

Pursuant to Rule 45(b), the following bill, having remained on the House Consent Calendar for Perfection for five legislative days, was ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 1657**.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2319**, introduced by Representatives McNeil, Newman, Morris, Webb and Carter, relating to racial and gender equity in the membership of boards, commissions, committees and councils.

**HB 2320**, introduced by Representative Ruzicka, relating to trusts to pay for funeral services, facilities, or merchandise.

**HB 2321**, introduced by Representative Franz, relating to wrecker rotation lists.

**HB 2322**, introduced by Representative Franz, relating to standards for representation of children by guardians ad litem.

**HB 2323**, introduced by Representatives Molendorp and Calloway, relating to public adjusters.

**HB 2324**, introduced by Representatives Newman, Lair, Fischer (107), Webb, Oxford, Calloway, McClanahan, Whitehead, Low, Still, Englund, Kirkton, Carter and Guernsey, relating to service dogs.

**HB 2325**, introduced by Representative Kelly, relating to donations to the organ donor program fund.

**HB 2326**, introduced by Representatives Gatschenberger, Kingery and Bivins, relating to drug testing of faculty and employees of public institutions of higher education.

**HB 2327**, introduced by Representative Lipke, relating to the Missouri securities act.

**HB 2328**, introduced by Representative Franz, relating to access to foster home licensing records.

**HB 2329**, introduced by Representative Franz, relating to sibling placement for children under the care of the children's division.

**HB 2330**, introduced by Representative Franz, relating to the duties of the office of the child advocate.

**HB 2331**, introduced by Representative Franz, relating to foster care and adoption.

**HB 2332**, introduced by Representative Witte, relating to school residency requirements.

**HB 2333**, introduced by Representative Holsman, relating to high school dropout prevention.

**HB 2334**, introduced by Representative Holsman, relating to an income tax deduction for school supplies.

**HB 2335**, introduced by Representatives Holsman and Oxford, relating to the school calendar.



The following member's presence was noted: Nasheed.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, March 17, 2010.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1848

#### **BUDGET**

Wednesday, March 17, 2010, Hearing Room 3 upon morning adjournment.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

#### **BUDGET**

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

#### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, March 17, 2010, 5:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 2317, HB 2285, HB 2082

#### **ELECTIONS**

Thursday, March 18, 2010, 8:15 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1556, HB 2294

#### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 6.

Executive session.

#### **FISCAL REVIEW**

Wednesday, March 17, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

FISCAL REVIEW

Thursday, March 18, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Wednesday, March 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, March 17, 2010, 1:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2270

INSURANCE POLICY

Wednesday, March 17, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2156, HB 1468, HB 1525

INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, March 17, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 1383

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

JUDICIARY

Wednesday, March 17, 2010, 12:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1407, HB 1640, HB 1799

LOCAL GOVERNMENT

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1959

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, March 17, 2010, 3:15 p.m. Hearing Room 6.

Possible Executive session. AMENDED

Public hearing to be held on: HCR 16, HCR 46, HCR 52, HCS HJR 87,  
HCS HBs 1327 & 2000, HCS HB 1747, HB 1842, HCS HB 1893,  
HCS HB 2048, HCS HB 1207

SMALL BUSINESS

Wednesday, March 17, 2010, 12:00 p.m. Hearing Room 5.

Executive session will be held on: HB 2103, HB 2104

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 17, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND  
ETHICS REFORM

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2300

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION  
FUNDING

Wednesday, March 17, 2010, Hearing Room 7, 3:00 p.m. or upon adjournment, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 2043

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 17, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2290, HB 2198

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE  
SAFETY

Wednesday, March 17, 2010, House Chamber south gallery upon morning adjournment.

Executive session.

STATE PARKS AND WATERWAYS

Thursday, March 18, 2010, 9:30 a.m. House Chamber south gallery.

Executive session will be held on: HB 2109

TOURISM

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearing to be held on: HCR 63, HB 2219, HB 1994, HB 2297

**VETERANS**

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 2.  
Executive session only.

**WAYS AND MEANS**

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 5.  
Possible Executive session.  
Public hearing to be held on: HB 2250, HB 2034, HJR 56

**HOUSE CALENDAR**

THIRTY-SIXTH DAY, WEDNESDAY, MARCH 17, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2319 through HB 2335

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2014 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1446 - Jones (89)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1542 - Deeken

**HOUSE BILLS FOR THIRD READING**

HCS#2 HB 1472, E.C. - Franz

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1       HCS HB 1840 - Wright
- 2       HB 1258 - Todd
- 3       HB 1268 - Meiners
- 4       HB 1336 - Bandom
- 5       HB 1340 - Dugger
- 6       HB 1612 - Molendorp
- 7       HCS HB 1382 - Ervin
- 8       HB 1677 - Hoskins (80)
- 9       HB 1691 - Kraus
- 10      HB 1713 - Sander
- 11      HB 1775 - Shively
- 12      HB 1776 - Shively
- 13      HB 1657 - Dethrow

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-SIXTH DAY, WEDNESDAY, MARCH 17, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

O Lord, O Lord, how excellent is Your name in all the earth. Lord God, we give thanks for the way You have provided for our spiritual, material and emotional needs.

Lord, lead us, daily, so that we can be wise in our financial discussions and decisions. Keep us away from unwise thoughts, counsel or emotion-based considerations. Help us to consider well the work of our hand and the words of our mouth.

We understand that at times, our options are limited and state of affairs seems dismal, but we look to You, seeking Your wisdom and insight. Our hope is in You.

It was once said, "Tough times never last, but tough people do!" Give us strength to endure and overcome the tough times and open our eyes to see the obvious.

Now may You, God of peace, make us complete in every good work to do Your will, working in us what is well pleasing in Your sight. To You be glory forever and ever.

In the name of Your Son, I pray. Amen.

*(Excerpts from "Proverb Prayers")*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jonathon Woodrome, Jake Kanning, Isabelle Kanning, Dayne Hansen, Hunter Hansen, Claudia Schmitz, Brooke Harrill, Emma Hough, Cole Harrill and Zoe Anastosopolos.

The Journal of the thirty-fifth day was approved as corrected.

## HOUSE RESOLUTIONS

Representative Bruns offered House Resolution No. 1245.

Representative Deeken offered House Resolution No. 1248.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1205 through House Resolution No. 1244  
House Resolution No. 1246 and House Resolution No. 1247  
House Resolution No. 1249 through House Resolution No. 1269

### **HOUSE CONCURRENT RESOLUTIONS**

Representative Walton Gray, et al., offered House Concurrent Resolution No. 71.  
Representative Fallert, et al., offered House Concurrent Resolution No. 72.  
Representative Fallert offered House Concurrent Resolution No. 73.

### **SECOND READING OF HOUSE BILLS**

**HB 2319** through **HB 2335** were read the second time.

### **PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 2014**, relating to appropriations, was taken up by Representative Icet.

Representative Icet offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2014, Page 5, Section 14.110, Line 22, by deleting "21,013,792" and inserting "19,891,879"; and

Further amend said section, Line 23, by deleting "37,651,179" and inserting "35,641,007"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Icet, **House Amendment No. 1** was adopted.

Representative Icet offered **House Amendment No. 2**.

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2014, Page 4, Section 14.090, Line 8, by deleting "2,666,503" and inserting "2,266,503"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Icet, **House Amendment No. 2** was adopted.

Representative Icet offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2014, Page 5, Section 14.130, Line 12, by deleting “80,169,612” and inserting “77,490,492”; and

Further amend said section, Line 13, by deleting “119,219,322” and inserting “107,782,467”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Icet, **House Amendment No. 3** was adopted.

Representative Bringer offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2014, Page 1, Section 14.005, Line 4, by deleting the following language:

“provided that, notwithstanding the provisions of Section 163.031, RSMo, to the contrary, the Department of Elementary and Secondary Education shall modify the foundation formula phase-in percentages pursuant to Section 163.031.4(4) to accommodate the total amount of available appropriations in fiscal year 2010”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Bringer moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Aull	Bringer	Brown 149	Burlison	Casey
Conway	Day	Denison	Dethrow	Dougherty
Dugger	Dusenberg	Englund	Ervin	Fallert
Fischer 107	Frame	Franz	Grill	Grisamore
Harris	Hodges	Hoskins 121	Kander	Keeney
Kelly	Kingery	Kraus	Kuessner	Lampe
Largent	LeVota	Lipke	Loehner	McClanahan
McDonald	Munzlinger	Nance	Nolte	Pollock
Pratt	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Schaaf	Schieffer
Schlottach	Schoemehl	Shively	Silvey	Skaggs
Smith 150	Stevenson	Still	Sutherland	Swinger
Todd	Tracy	Viebrock	Wallace	Walton Gray
Webb	Webber	Wells	Weter	Wilson 119
Witte	Wright	Yaeger		

NOES: 083

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Bruns	Burnett
Calloway	Carter	Chappelle-Nadal	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Deeken
Dieckhaus	Dixon	Emery	Faith	Fisher 125
Flanigan	Flook	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Holsman	Hoskins 80	Hughes



Hummel	Ice	Jones 63	Jones 89	Jones 117
Kirkton	Koenig	Komo	Kratky	Lair
Leara	LeBlanc	Liese	Low	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Sander
Scavuzzo	Schad	Scharnhorst	Schoeller	Schupp
Self	Smith 14	Storch	Stream	Talboy
Thomson	Tilley	Walsh	Whitehead	Wilson 130
Zerr	Zimmerman	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 006

Colona	Diehl	Riddle	Spreng	Vogt
Wasson				

VACANCIES: 001

On motion of Representative Ice, **HCS HB 2014, as amended**, was adopted.

On motion of Representative Ice, **HCS HB 2014, as amended**, was ordered perfected and printed.

Representative Nieves assumed the Chair.

### THIRD READING OF HOUSE BILL

**HCS#2 HB 1472**, relating to controlled substances, was taken up by Representative Franz.

On motion of Representative Franz, **HCS#2 HB 1472** was read the third time and passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hummel
Ice	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	McClanahan	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr

Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Webb	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 010

Burnett	Curls	Hughes	Low	Nasheed
Oxford	Still	Talboy	Webber	Whitehead

PRESENT: 000

ABSENT WITH LEAVE: 010

Colona	Diehl	Holsman	McDonald	McGhee
Meiners	Riddle	Spreng	Vogt	Wasson

VACANCIES: 001

Representative Nieves declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 119

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dugger	Dusenberger	Emery	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McNary	Meadows
Munzlinger	Nance	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Wells	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 036

Atkins	Burnett	Calloway	Conway	Corcoran
Curls	Dougherty	Englund	Hughes	Hummel
Jones 63	Kirkton	LeBlanc	LeVota	Low
McDonald	McGhee	McNeil	Meiners	Molendorp
Morris	Nasheed	Newman	Oxford	Pace
Schupp	Still	Talboy	Tilley	Walton Gray
Webb	Webber	Weter	Whitehead	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Colona	Diehl	Holsman	Riddle	Schad
Spreng	Vogt			

VACANCIES: 001

**THIRD READING OF HOUSE BILLS - CONSENT**

**HCS HB 1840**, relating to the Rice Advisory Council, was taken up by Representative Wright.

On motion of Representative Wright, **HCS HB 1840** was read the third time and passed by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Conway	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson

Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 001

Low

ABSENT WITH LEAVE: 010

Colona	Cooper	Corcoran	Diehl	Holsman
Jones 89	Liese	Riddle	Schad	Vogt

VACANCIES: 001

Representative Nieves declared the bill passed.

**HB 1258**, relating to a memorial highway, was taken up by Representative Todd.

On motion of Representative Todd, **HB 1258** was read the third time and passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells

Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Biermann	Colona	Cooper	Corcoran	Diehl
Hughes	Jones 89	Jones 117	Riddle	Schad
Self	Vogt			

VACANCIES: 001

Representative Nieves declared the bill passed.

Representative Wilson (130) assumed the Chair.

**HB 1268**, relating to adenoid cystic carcinoma awareness, was taken up by Representative Meiners.

On motion of Representative Meiners, **HB 1268** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberger	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Jones 63	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Walton Gray	Webb
Webber	Wells	Weter	Whitehead	Wilson 119

Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 015

Bringer	Colona	Cooper	Diehl	Hughes
Icet	Jones 89	Jones 117	McGhee	Nieves
Riddle	Ruestman	Vogt	Wallace	Wasson

VACANCIES: 001

Representative Wilson (130) declared the bill passed.

Speaker Richard assumed the Chair.

**HB 1336**, relating to Girl Scout Day, was taken up by Representative Brandom.

On motion of Representative Brandom, **HB 1336** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Conway	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Wallace

Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Colona	Cooper	Diehl	McGhee
McNary	Nasheed	Nolte	Riddle	Tracy
Vogt	Walsh			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1340**, relating to a fire protection district sales tax, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 1340** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Casey
Chappelle-Nadal	Conway	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Quinn	Roorda	Rucker	Ruestman	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh

Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 003

Hughes	Low	Pratt
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PRESENT: 002

Liese	Oxford
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ABSENT WITH LEAVE: 012

Calloway	Carter	Colona	Cooper	Diehl
McGhee	Nieves	Riddle	Ruzicka	Silvey
Talboy	Vogt			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1612**, relating to sewer district trustees, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HB 1612** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Tilley	Todd	Tracy	Viebrock
Wallace	Walton Gray	Wasson	Webb	Webber



Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Carter	Colona	Corcoran	Denison	Diehl
Guernsey	Jones 117	Low	McGhee	Parson
Riddle	Schad	Talboy	Thomson	Vogt
Walsh	Wells			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1382**, relating to the Missouri Patient Privacy Act, was taken up by Representative Ervin.

On motion of Representative Ervin, **HCS HB 1382** was read the third time and passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Casey	Chappelle-Nadal
Conway	Cooper	Corcoran	Cunningham	Curls
Davis	Day	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 002

Jones 63                      Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 018

Bringer	Brown 30	Carter	Colona	Cox
Deeken	Denison	Diehl	Low	McGhee
Parson	Riddle	Schad	Schieffer	Schlottach
Talboy	Vogt	Wells		

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1677**, relating to Colon Cancer Awareness Day, was taken up by Representative Hoskins (80).

On motion of Representative Hoskins (80), **HB 1677** was read the third time and passed by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	McClanahan	McDonald	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Pollock
Pratt	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Scharnhorst	Schlottach	Schoeller	Schupp
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Webb
Webber	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 021

Brandom	Carter	Colona	Denison	Diehl
Hobbs	Kelly	Loehner	Low	McGhee
Parson	Riddle	Schad	Schieffer	Schoemehl
Self	Swinger	Talboy	Vogt	Wasson
Wells				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1691**, relating to bicycling designations, was taken up by Representative Kraus.

On motion of Representative Kraus, **HB 1691** was read the third time and passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 117	Kander
Keeney	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nolte	Norr
Oxford	Pace	Parkinson	Pollock	Pratt
Quinn	Roorda	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Yaeger
Zerr	Mr Speaker			

NOES: 001

Zimmerman

PRESENT: 001

Rucker

ABSENT WITH LEAVE: 018

Carter	Colona	Diehl	Holsman	Hughes
Jones 89	Kelly	Kirkton	Low	McGhee
Nieves	Parson	Riddle	Schad	Silvey
Talboy	Vogt	Wright		

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1713**, relating to insurance for adopted children, was taken up by Representative Sander.

On motion of Representative Sander, **HB 1713** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Casey
Chappelle-Nadal	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Calloway	Carter	Colona	Diehl	Flook
Kander	LeBlanc	Low	McGhee	Parson
Riddle	Schad	Stevenson	Sutherland	Talboy
Vogt	Wright			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1775**, relating to a memorial highway, was taken up by Representative Shively.

On motion of Representative Shively, **HB 1775** was read the third time and passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Carter	Colona	Diehl	Low	McGhee
Meadows	Pollock	Riddle	Schad	Talboy
Vogt	Wells			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1776**, relating to a memorial highway, was taken up by Representative Shively.

On motion of Representative Shively, **HB 1776** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McNary	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Bringer	Carter	Colona	Diehl	Kelly
LeBlanc	Low	McGhee	Meiners	Nasheed
Riddle	Schad	Silvey	Storch	Talboy
Todd	Vogt			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1657**, relating to trailer dealer liability insurance, was taken up by Representative Dethrow.

On motion of Representative Dethrow, **HB 1657** was read the third time and passed by the following vote:

AYES: 145

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Englund	Ervin	Faith
Fallert	Fischer 107	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 002

Atkins	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 015

Carter	Colona	Diehl	Emery	Fisher 125
Lampe	Low	McGhee	Nieves	Quinn
Riddle	Stevenson	Talboy	Thomson	Vogt

VACANCIES: 001

Speaker Richard declared the bill passed.

### REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

**HR 1245** - Rules

**HR 1248** - Rules

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811** - Fiscal Review (Fiscal Note)

**HB 1850** - Special Standing Committee on Urban Issues

### COMMITTEE REPORTS

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2053**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 2205**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 2270**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1609**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1654**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 2056**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 2026**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 1538**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 1942**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 1977**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Small Business**, Chairman Ervin reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **HB 2103**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Small Business, to which was referred **HB 2104**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1868**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Infrastructure and Transportation Funding**, Chairman Denison reporting:

Mr. Speaker: Your Special Standing Committee on Infrastructure and Transportation Funding, to which was referred **HB 1636**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Infrastructure and Transportation Funding, to which was referred **HB 1883**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Infrastructure and Transportation Funding, to which was referred **HB 2043**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Workforce Development and Workplace Safety**, Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **HB 1960**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 46**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 52**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 87**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1207**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1270**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1290**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1310**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1327 & 2000**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1330**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1375**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1392**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1424**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1541**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1580**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1595**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1643**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1662**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1664**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1705**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1707**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1747**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1778**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1802**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1824**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1831**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1841**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1842**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1858**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1892**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1893**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1904**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1941**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1943**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1970**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2048**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2111**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2159**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2161**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2336**, introduced by Representatives Roorda, Meadows, Hughes, Lampe, Englund, Walton Gray, Schieffer, Pace, Atkins, Corcoran, Jones (63), Webb, Norr, Frame, Kratky and Carter, relating to leave for employees who are members of the Fraternal Order of Police or the International Association of Firefighters to attend state or national conventions.

**HB 2337**, introduced by Representatives Flanigan and Silvey, relating to nonprofit fee offices.

**HB 2338**, introduced by Representatives Flanigan, Silvey, Wasson, Allen, Zerr, Leara, Brown (149), Molendorp, Dieckhaus, McNary, Fisher (125), Ayres, Lair, Schoeller, Wright, Scharnhorst, Koenig and Tracy, relating to designation of St. Patrick's Day.

**HB 2339**, introduced by Representative Roorda, relating to campaign contributions by employees.

**HB 2340**, introduced by Representatives Fisher (125) and Walsh, relating to employment.

**HB 2341**, introduced by Representative Lipke, relating to probation revocation proceedings.

**HB 2342**, introduced by Representatives Rucker, Conway, Hughes, Calloway, Talboy, Aull, Icet, Parson and Jones (117), relating to a state and local sales tax exemption for gratuities.

**HB 2343**, introduced by Representative Emery, relating to electrical corporations.

**HB 2344**, introduced by Representatives Wright, Todd, Kraus, Fisher (125), Stream, Day, Nieves, Cunningham, Wilson (119) and Bruns, relating to a preference for disabled veteran businesses in the letting of certain contracts.

**HB 2345**, introduced by Representatives Ayres, Zerr, Allen, Gatschenberger, Wallace, Nolte, Flanigan, Schoeller, Denison, Deeken, Keeney, Kratky, Fallert and McDonald, relating to travel club assets.

**HB 2346**, introduced by Representative Schad, relating to early childhood education.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 34**.

### SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

WHEREAS, the people of the state of Missouri are not united with the people of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

WHEREAS, all power not delegated by the people to government is retained; and

WHEREAS, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only; and

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that which has been delegated by the people to the federal government in the Constitution of the United States, and also that which is necessary and proper to advancing those enumerated powers; with the rest being left to state governments or the people themselves; and

WHEREAS, powers, too numerous to list for the purposes of this resolution, have been exercised, past and present, by federal administrations, under the leadership of both Democrats and Republicans, which infringe on the sovereignty of the people of this state, and may further violate the Constitution of the United States; and

WHEREAS, when powers are assumed by the federal government which have not been delegated to it by the people, a nullification of the act is the rightful remedy; that without this remedy, the people of Missouri would be under the dominion, absolute and unlimited, of whoever might exercise this right of judgment for them:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby affirm the sovereignty of the people of Missouri under the Tenth Amendment to the Constitution of the United States over all powers not otherwise delegated to the federal government by the Constitution of the United States; and

BE IT FURTHER RESOLVED that this resolution shall serve as a notice and demand to the federal government to cease and desist any and all activities outside the scope of their constitutionally-delegated powers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Colona and Vogt.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, March 18, 2010.

### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-fifty Day, Tuesday, March 16, 2010, Page 506, Line 8, by inserting immediately after said line the following:

**HB 2290** - Special Standing Committee on Professional Registration and Licensing

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 6.

Public hearing to be held on: HB 1848

### BUDGET

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### BUDGET

Friday, March 19, 2010, 9:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

### ELECTIONS

Thursday, March 18, 2010, 8:15 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1556, HB 2294

### FISCAL REVIEW

Thursday, March 18, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

### FISCAL REVIEW

Wednesday, March 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### FISCAL REVIEW

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

### SENIOR CITIZEN ADVOCACY

Wednesday, March 24, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1737

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Thursday, March 18, 2010, Side Gallery upon morning adjournment.

Executive session. CANCELLED

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2300

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Thursday, March 18, 2010, Side Gallery upon morning adjournment.

Executive session.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 22, 2010, Hearing Room 5 upon afternoon adjournment. AMENDED

Public hearing to be held on: HB 1850

Executive session will be held on: HB 1826, HB 1963

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, March 22, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2272

STATE PARKS AND WATERWAYS

Thursday, March 18, 2010, 9:30 a.m. House Chamber south gallery.

Executive session will be held on: HB 2109

TOURISM

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearing to be held on: HCR 63, HB 2219, HB 1994, HB 2297

VETERANS

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 2.

Executive session only.

WAYS AND MEANS

Thursday, March 18, 2010, 8:00 a.m. Hearing Room 5.

Possible Executive session.

Public hearing to be held on: HB 2250, HB 2034, HJR 56



## **HOUSE CALENDAR**

THIRTY-SEVENTH DAY, THURSDAY, MARCH 18, 2010

### **HOUSE BILLS FOR SECOND READING**

HB 2336 through HB 2346

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 87 - Icet

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1446 - Jones (89)
- 4 HB 1842 - Wilson (130)
- 5 HCS HBs 1327 & 2000 - Pratt
- 6 HCS HB 1207 - Day
- 7 HCS HB 1747 - Viebrock

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(3/18/2010)

- 1 HB 2111 - Faith
- 2 HCS HB 1831 - Jones (117)
- 3 HCS HB 1290 - Gatschenberger
- 4 HB 1802 - Gatschenberger
- 5 HB 2159 - Diehl
- 6 HB 1941 - Parson
- 7 HB 1664 - Wasson
- 8 HB 1662 - Brown (149)
- 9 HCS HB 1580 - Smith (14)
- 10 HCS HB 1841 - Wilson (130)
- 11 HB 1904 - Wilson (130)
- 12 HCS HB 1970 - Bivins
- 13 HCS HB 1943 - McGhee
- 14 HB 1824 - Sutherland
- 15 HB 1705 - Molendorp
- 16 HB 1595 - Dugger
- 17 HCS HB 1541 - Ruzicka
- 18 HB 1424 - Franz
- 19 HCS HB 1375 - Cooper
- 20 HB 1270 - Meiners

- 21 HB 1643 - Brown (50)
- 22 HCS HB 1707 - Schaaf
- 23 HB 1892 - Nasheed
- 24 HCS HB 2161 - Guest
- 25 HB 1330 - Salva
- 26 HCS HB 1310 - Hodges
- 27 HB 1778 - Walton Gray
- 28 HCS HB 1858 - Zimmerman
- 29 HB 1392 - Kirkton

#### **HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

HCS HB 2014 - Icet

#### **HOUSE BILLS FOR THIRD READING**

HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, (Fiscal Review 3-17-10) - Stevenson

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 16, (3-4-10, Page 461) - Loehner
- 2 HCR 46, (2-23-10, Pages 368-369) - Funderburk
- 3 HCR 52, (2-25-10, Pages 395-396) - Walton Gray

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-SEVENTH DAY, THURSDAY, MARCH 18, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, may the virtues and qualities displayed above the columns around us guide us in our work today.

May ENTERPRISE, LIBERTY, HONOR and FRATERNITY come alive in our work. May these virtues strengthen us to produce the outcomes of EQUALITY, JUSTICE, good LAW and PROGRESS.

Almighty God, protect those today who have to deal with war or terrorism or fear, and those who suffer from hunger and poverty and joblessness. Help them! Be with them! Save them!

To You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Heiryn Ellis, Yamika Hattiex, Hailey McGown, Meghan LeVota, Madeline LeVota, Kaylee Davis, Mason Close, Max Close, Major Close, Ella Jean Skaggs, Cora Elizabeth Skaggs, Levi Matthew Skaggs and Stephen Webber.

The Journal of the thirty-sixth day was approved as printed.

## HOUSE RESOLUTION

Representative Allen, et al., offered House Resolution No. 1290.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1270 through House Resolution No. 1289

House Resolution No. 1291 through House Resolution No. 1294

## SECOND READING OF HOUSE BILLS

**HB 2336** through **HB 2346** were read the second time.

**THIRD READING OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 2014**, relating to appropriations, was taken up by Representative Icet.

Speaker Pro Tem Pratt moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 001

Corcoran

ABSENT WITH LEAVE: 010

Brown 30	Bruns	Colona	Diehl	Meadows
Nasheed	Riddle	Salva	Still	Tilley

VACANCIES: 001

On motion of Representative Icet, **HCS HB 2014** was read the third time and passed by the following vote:

AYES: 124

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Dougherty	Dugger	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Loehner	McClanahan	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Smith 14	Smith 150	Storch	Stream	Sutherland
Thomson	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 028

Aull	Bringer	Burnett	Davis	Dusenberg
Frame	Harris	Kander	Kraus	Kuessner
LeVota	Low	McDonald	McGhee	Newman
Oxford	Pratt	Quinn	Shively	Skaggs
Spreng	Stevenson	Still	Swinger	Talboy
Vogt	Webber	Witte		

PRESENT: 000

ABSENT WITH LEAVE: 010

Colona	Diehl	Dixon	Jones 117	Lair
McNary	Meadows	Riddle	Salva	Tilley

VACANCIES: 001

Speaker Richard declared the bill passed.

## COMMITTEE REPORTS

### **Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 1787**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Corrections and Public Institutions**, Presiding Chairman Quinn reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 2285**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 2317**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 2294**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1764**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on State Parks and Waterways**, Chairman Pollock reporting:

Mr. Speaker: Your Committee on State Parks and Waterways, to which was referred **HB 2109**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Tourism**, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HCR 63**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## HOUSE CONCURRENT RESOLUTION NO. 63

WHEREAS, baseball players called him "Skip" because John Jordan "Buck" O'Neil was the captain of the ship that sent more Negro League veterans ashore to the white Majors than any man in baseball history; and

WHEREAS, Buck O'Neil played briefly in 1937 with the Memphis Red Sox and debuted as a first baseman for the Kansas City Monarchs in 1938. In 1942, O'Neil led the Monarchs to a Negro American League title, hitting .353 during the Negro World Series in the Monarchs four-game sweep of the Homestead Grays; and

WHEREAS, O'Neil's achievements included being named to the East-West All-Star Classic in 1942, 1943, and 1949, managing the West squad in 1950, 1953, 1954, and 1955, and playing for the 1946 Satchel Paige All Stars; and

WHEREAS, in 1944, O'Neil enlisted for a two-year stint with the United States Navy, briefly interrupted his playing career. He returned to the Monarchs in 1946, admitting that he regretted the fact that he was not a member of the Monarchs in 1945 when the great Jackie Robinson played in Kansas City before signing with the Brooklyn Dodgers; and

WHEREAS, in 1948, O'Neil succeeded Frank Duncan as manager of the Kansas City Monarchs, continuing to manage the team until 1955. He guided the Monarchs to league titles in 1948, 1950, 1951, and 1953; and

WHEREAS, in 1956, O'Neil was hired by the Chicago Cubs as a scout, helping the team sign future Hall of Famer Lou Brock, and superstars Oscar Gamble, Lee Smith, and Joe Carter;

WHEREAS, O'Neil's greatest achievement came in 1962 when he became the first African-American coach in the Major Leagues with the Cubs. After 33 years as a Cubbie, he returned home in 1988 to scout for the Kansas City Royals; and

WHEREAS, in 1990, O'Neil began raising money for a museum to preserve and celebrate the history of the Negro Leagues. His efforts led to the opening of the Negro League Baseball Museum in Kansas City, serving as Chair of the Board of Directors from 1990 until his death in 2006. O'Neil also served on the Veterans' Committee of the National Baseball Hall of Fame, was posthumously awarded the Presidential Medal of Freedom, and is a member of the Missouri Sports Hall of Fame; and

WHEREAS, O'Neil gained national prominence with his compelling descriptions of the Negro Leagues as part of Ken Burns' 1994 PBS documentary on baseball; and

WHEREAS, on April 2, 2007, the Kansas City Royals honored O'Neil by placing a fan in the Buck O'Neil Legacy Seat in Kauffman Stadium each game who best exemplifies O'Neil's spirit. The seat is a red seat amidst the all-blue seats behind home plate in Section 127, Seat 9, Row C. The first person to sit in "Buck's seat" was Buck O'Neil's brother, Warren; and

WHEREAS, Buck O'Neil will be remembered as the first African-American coach in Major League Baseball and as one of the finest players in the Negro Leagues. Through his willingness to share his memories of the Negro Leagues, fans everywhere have a greater understanding and deeper appreciation for a significant period in baseball history:

NOW, THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate November 13, 2010, as "Buck O'Neil Day" in Missouri and recommends to the people of the state that the day be appropriately observed with activities, events, and ceremonies in honor of the first African-American coach in Major League Baseball; and

BE IT FURTHER RESOLVED that the General Assembly requests that the Governor issue a proclamation setting apart November 13, 2010, as "Buck O'Neil Day" in Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1271**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 2219**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 2297**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 2114**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 2147** and **HB 2261**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 2262** and **HB 2264**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 1990**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 2226**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 2231**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 2290**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2347**, introduced by Representatives Ayres, Cooper, Wallace, Stream, Thomson, Flanigan, Wells, Viebrock, Nance, Ruzicka, Burlison, Allen, Zerr, Nolte, Keeney, Denison, Fallert, McDonald and Weter, relating to the designation of Missouri safe boating week.

**HB 2348**, introduced by Representative Kelly, relating to licensure of home health agencies.

**HB 2349**, introduced by Representative Nolte, relating to military and public service of University of Missouri employees.

**HB 2350**, introduced by Representatives Schad and Cooper, relating to permits for mining.

**HB 2351**, introduced by Representative Hoskins (80), relating to the designation of a memorial highway.

**HB 2352**, introduced by Representatives McNeil, Bivins, Atkins, Englund, Still, Oxford, Low, Fischer (107), Holsman, Kirkton and Sutherland, relating to retail electric suppliers.

**HB 2353**, introduced by Representatives Wells, Jones (117), Pollock, Wilson (119), Stevenson, Wallace, Weter, Smith (150), Scharnhorst, Gatschenberger, Franz, Tracy, Faith, Smith (14), Deeken, Dugger, Funderburk, Pratt, Silvey, Kingery, Schaaf, Sutherland, Nieves, Ayres, Viebrock, Dougherty, McNary, Nance, Denison, Quinn, Salva, Yaeger, Carter, LeBlanc, Fischer (107), Casey, Talboy, Burnett, Kuessner, Roorda, Harris, Hummel, Liese, Norr, Bringer, Skaggs, Fallert, Hodges, Kratky, Frame, Calloway, Schoemehl, Englund, Scavuzzo, Webber, Jones (63), Whitehead, Shively, Keeney, Molendorp and Ruestman, relating to vision examinations for school children.

**HB 2354**, introduced by Representatives Zerr, Silvey, McGhee, Frame, Talboy and Roorda, relating to certain payments to employees.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 605**, entitled:

An act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 618**, entitled:

An act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 687**, entitled:

An act to repeal sections 307.365 and 643.320, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 721**, entitled:

An act to repeal section 407.1243, RSMo, and to enact in lieu thereof one new section relating to travel club assets, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 778**, entitled:

An act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 781**, entitled:

An act to repeal sections 301.010, 301.032, 301.069, 301.130, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, 301.570, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820, RSMo, and to enact in lieu thereof twenty-three new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections and an effective date for certain sections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 791**, entitled:

An act to repeal sections 204.300, 204.472, 204.571, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 820**, entitled:

An act to repeal sections 300.160 and 304.291, RSMo, and to enact in lieu thereof two new sections relating to pedestrian control signals.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 842, 799 & 809**, entitled:

An act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 844**, entitled:

An act to amend chapters 8 and 37, RSMo, by adding thereto three new sections relating to contracts for purchasing, printing, and services for statewide elected officials.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 855**, entitled:

An act to amend chapter 193, RSMo, by adding thereto one new section relating to heritage birth or marriage certificates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 887**, entitled:

An act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 920**, entitled:

An act to amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Salva.

### **ADJOURNMENT**

On motion of Speaker Pro Tem Pratt, the House adjourned until 10:00 a.m., Friday, March 19, 2010.

### **CORRECTION TO THE HOUSE JOURNAL**

I, State Representative Hope Whitehead, District 57, hereby state and affirm that my vote as recorded on Page 448 of the Journal of the House for Thursday, March 4, 2010 that the House Committee Substitute for House Bill No. 1903 be read the third time and passed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted No. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 18th day of March 2010.

/s/ Hope Whitehead  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 18th day of March in the year 2010.

/s/ Patricia Pleus  
Notary Public

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Monday, March 22, 2010, 2:00 p.m. Hearing Room 6.  
Executive session will be held on: HB 1848

#### **BUDGET**

Friday, March 19, 2010, 9:00 a.m. Hearing Room 3.  
Executive session may follow.

Public hearing to be held on: HB 2001, HB 2002, HB 2003, HB 2004, HB 2005,  
HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2277, HB 2245, HB 2166

FISCAL REVIEW

Wednesday, March 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Monday, March 22, 2010, 2:45 p.m. Hearing Room 4.

Reconsideration HB 1898.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

PUBLIC SAFETY

Tuesday, March 23, 2010, 12:00 p.m. Hearing Room 6.

Executive session only.

SENIOR CITIZEN ADVOCACY

Wednesday, March 24, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1737

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 23, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session will be held.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, March 23, 2010, 12:00 p.m. Hearing Room 5.

Executive session will be held on: HB 2300

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 22, 2010, Hearing Room 5 upon afternoon adjournment. AMENDED

Public hearing to be held on: HB 1850

Executive session will be held on: HB 1826, HB 1963

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Monday, March 22, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2272

**VETERANS**

Tuesday, March 23, 2010, 9:30 a.m. House Chamber south gallery.

Executive session only.

**HOUSE CALENDAR**

THIRTY-EIGHTH DAY, FRIDAY, MARCH 19, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2347 through HB 2354

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

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- 2 HCS HJR 87 - Icet

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(3/18/2010)

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#### **HOUSE BILLS FOR THIRD READING**

HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, (Fiscal Review 3-17-10) - Stevenson

#### **SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 605
- 2 SS SB 618
- 3 SB 687
- 4 SCS SB 721
- 5 SCS SB 778
- 6 SS SCS SB 781
- 7 SB 791
- 8 SB 820
- 9 SCS SBs 842, 799 & 809
- 10 SB 844
- 11 SCS SB 855
- 12 SCS SB 887
- 13 SS SCS SB 920

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 16, (3-4-10, Page 461) - Loehner
- 2 HCR 46, (2-23-10, Pages 368-369) - Funderburk
- 3 HCR 52, (2-25-10, Pages 395-396) - Walton Gray

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-EIGHTH DAY, FRIDAY, MARCH 19, 2010

The House met pursuant to adjournment.

Representative Deeken in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

## SECOND READING OF HOUSE BILLS

**HB 2347** through **HB 2354** were read the second time.

## SECOND READING OF SENATE BILLS

**SS SCS SB 605, SS SB 618, SB 687, SCS SB 721, SCS SB 778, SS SCS SB 781, SB 791, SB 820, SCS SBs 842, 799 & 809, SB 844, SCS SB 855, SCS SB 887** and **SS SCS SB 920** were read the second time.

## RECESS

On motion of Representative Deeken, the House recessed until committee reports are received from the Budget Committee, and will then stand adjourned until 4:00 p.m., Monday, March 22, 2010.

## COMMITTEE REPORTS

**Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2001**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2002**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



Mr. Speaker: Your Committee on Budget, to which was referred **HB 2003**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2004**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2005**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2006**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2007**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2008**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2009**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2010**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2011**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2012**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2013**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 2198**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

The following members' presence was noted: Carter, Cunningham, Curls, Fischer (107), Flanigan, Frame, Hughes, Hummel, Keeney, Kingery, Koenig, Komo, Lampe, McNary, Rucker, Ruzicka, Scharnhorst, Schieffer, Sutherland, Talboy and Todd.

### **ADJOURNMENT**

Pursuant to the motion of Representative Deeken, the House adjourned until 4:00 p.m., Monday, March 22, 2010.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Monday, March 22, 2010, 2:00 p.m. Hearing Room 6.

Executive session will be held on: HB 1848

#### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2277, HB 2245, HB 2166

#### **FISCAL REVIEW**

Wednesday, March 24, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### **FISCAL REVIEW**

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### **HEALTH CARE POLICY**

Monday, March 22, 2010, 2:45 p.m. Hearing Room 4.

Reconsideration HB 1898.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

PUBLIC SAFETY

Tuesday, March 23, 2010, 12:00 p.m. Hearing Room 6.

Executive session only.

RULES - PURSUANT TO RULE 25(32)(f)

Monday, March 22, 2010, 2:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearings to be held on: HCS HB 1271, HB 1372, HCS HB 1516, HB 1538, HCS HB 1601, HB 1609, HB 1654, HCS HB 1764, HCS HB 1806, HB 1832, HB 1868, HB 1942, HCS HB 1965, HCS HB 1977, HB 1990, HCS HB 2043, HB 2056, HB 2109, HB 2114, HCS HBs 2147 & 2261, HB 2182, HCS HB 2198, HB 2205, HCS HB 2219, HB 2226, HCS HB 2231, HB 2270, HB 2285, HB 2290, HB 2294, HCS HB 2297, HB 2317, HB 2001, HB 2002, HB 2003, HB 2004, HB 2005, HB 2006, HB 2007, HB 2008, HB 2009, HB 2010, HB 2011, HB 2012, HB 2013

SENIOR CITIZEN ADVOCACY

Wednesday, March 24, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1737

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 23, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session will be held.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, March 23, 2010, 12:00 p.m. Hearing Room 5.

Executive session will be held on: HB 2300

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 22, 2010, Hearing Room 5 upon afternoon adjournment. AMENDED

Public hearing to be held on: HB 1850

Executive session will be held on: HB 1826, HB 1963

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, March 22, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2272

VETERANS

Tuesday, March 23, 2010, 9:30 a.m. House Chamber south gallery.  
Executive session only.

**HOUSE CALENDAR**

THIRTY-NINTH DAY, MONDAY, MARCH 22, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 87 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1446 - Jones (89)
- 4 HB 1842 - Wilson (130)
- 5 HCS HBs 1327 & 2000 - Pratt
- 6 HCS HB 1207 - Day
- 7 HCS HB 1747 - Viebrock

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/18/2010)

- 1 HB 2111 - Faith
- 2 HCS HB 1831 - Jones (117)
- 3 HCS HB 1290 - Gatschenberger
- 4 HB 1802 - Gatschenberger
- 5 HB 2159 - Diehl
- 6 HB 1941 - Parson
- 7 HB 1664 - Wasson
- 8 HB 1662 - Brown (149)
- 9 HCS HB 1580 - Smith (14)
- 10 HCS HB 1841 - Wilson (130)
- 11 HB 1904 - Wilson (130)
- 12 HCS HB 1970 - Bivins
- 13 HCS HB 1943 - McGhee
- 14 HB 1824 - Sutherland
- 15 HB 1705 - Molendorp
- 16 HB 1595 - Dugger
- 17 HCS HB 1541 - Ruzicka
- 18 HB 1424 - Franz

- 19 HCS HB 1375 - Cooper
- 20 HB 1270 - Meiners
- 21 HB 1643 - Brown (50)
- 22 HCS HB 1707 - Schaaf
- 23 HB 1892 - Nasheed
- 24 HCS HB 2161 - Guest
- 25 HB 1330 - Salva
- 26 HCS HB 1310 - Hodges
- 27 HB 1778 - Walton Gray
- 28 HCS HB 1858 - Zimmerman
- 29 HB 1392 - Kirkton

### **HOUSE BILLS FOR THIRD READING**

HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, (Fiscal Review 3-17-10) - Stevenson

### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 16, (3-4-10, Page 461) - Loehner
- 2 HCR 46, (2-23-10, Pages 368-369) - Funderburk
- 3 HCR 52, (2-25-10, Pages 395-396) - Walton Gray

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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THIRTY-NINTH DAY, MONDAY, MARCH 22, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

God, You're our refuge and strength, a very present help in trouble. As a result, we take comfort in You and will not fear, even though we hear daily of earthquakes, wars, raging waters and faltering monetary systems.

You have instructed us in Your Word, to "Call to Me and I will answer you. I'll tell you marvelous and inexplicable things that you could never figure out on your own."

LORD, we cry out to You; Make haste to us! Give ear to our voice when we cry out to You. Let our prayer be set before You as incense, the lifting up of our hands as the evening sacrifice. Set a guard, O LORD, over our mouth; keep watch over the door of our lips.

And when we hear, help us to obey without hesitation or compromise. Guide us through this week and the coming weeks as we seek solutions to tough problems.

Now, may You, Heavenly Father, Who has loved us and given us eternal encouragement and good hope by grace, encourage our hearts and strengthen us in every good work and word.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Isabella Elaine Wilson, Lillianna Marie Wilson, Nelson McCracken, Will McCracken and Yvonne (Punkin) Foreman.

The Journal of the thirty-seventh day was approved as corrected.

The Journal of the thirty-eighth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1295 through House Resolution No. 1335

## PERFECTION OF HOUSE BILL

**HCS HB 1207**, relating to classification of sawmills, was taken up by Representative Day.

Representative Bringer offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1207, Page 2, Section 137.016, Line 22, by inserting after the word “parks,” on said line the following:

**“storage units which are rented or leased for the storage or keeping of personal property associated with residential living, including such stored personal property as household furniture, clothing, and similar household goods when the owner of the storage units owns two hundred forty storage units or less,”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Bringer moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Day, **HCS HB 1207** was adopted.

On motion of Representative Day, **HCS HB 1207** was ordered perfected and printed.

## PERFECTION OF HOUSE JOINT RESOLUTION

**HCS HJR 87**, relating to limits on state appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HJR 87** was adopted.

On motion of Representative Icet, **HCS HJR 87** was ordered perfected and printed by the following vote:

AYES: 088

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Munzlinger	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Thomson	Tilley	Tracy	Viebrock	Wallace

Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 066

Atkins	Aull	Bringer	Burnett	Calloway
Carter	Casey	Conway	Corcoran	Curls
Englund	Fallert	Fischer 107	Frame	Harris
Hodges	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Molendorp	Morris	Nance	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Sutherland
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Chappelle-Nadal	Colona	Grill	Holsman
Rucker	Salva	Vogt		

VACANCIES: 001

Representative Hobbs assumed the Chair.

## PERFECTION OF HOUSE BILL

**HCS HBs 1327 & 2000**, relating to abortions, was taken up by Representative Pratt.

On motion of Representative Pratt, **HCS HBs 1327 & 2000** was adopted.

On motion of Representative Pratt, **HCS HBs 1327 & 2000** was ordered perfected and printed by the following vote:

AYES: 116

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Casey	Conway	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Hummel	Ice	Jones 117	Keeney
Kingery	Koenig	Kratky	Kraus	Kuessner
Lair	Largent	Leara	Liese	Lipke
Loehner	McGhee	McNary	Meadows	Meiners



Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 042

Atkins	Burnett	Calloway	Carter	Colona
Corcoran	Curls	Englund	Frame	Holsman
Hoskins 80	Hughes	Jones 63	Kander	Kelly
Kirkton	Komo	Lampe	LeBlanc	LeVota
Low	McClanahan	McDonald	McNeil	Morris
Nasheed	Newman	Norr	Oxford	Pace
Schupp	Skaggs	Spreng	Still	Storch
Talboy	Vogt	Walton Gray	Webb	Webber
Whitehead	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50	Chappelle-Nadal	Jones 89	Roorda
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VACANCIES: 001

Speaker Pro Tem Pratt resumed the Chair.

## HOUSE CONCURRENT RESOLUTIONS

**HCR 16**, relating to rivers and streams, was taken up by Representative Loehner.

On motion of Representative Loehner, **HCR 16** was adopted.

**HCR 52**, relating to sickle cell awareness, was taken up by Representative Walton Gray.

On motion of Representative Walton Gray, **HCR 52** was adopted.

## PERFECTION OF HOUSE BILLS

**HCS HB 1446**, relating to financial transactions, was taken up by Representative Jones (89).

Representative Jones (89) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1446, Section 456.10-1010, Page 11, Lines 11 through 16, by deleting all of said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (89), **House Amendment No. 1** was adopted.

Representative Burnett offered **House Amendment No. 2**.

Representative Cox raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Still offered **House Amendment No. 3**.

Representative Cox raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Jones (89), **HCS HB 1446, as amended**, was adopted.

On motion of Representative Jones (89), **HCS HB 1446, as amended**, was ordered perfected and printed.

**HB 1842**, relating to the adoption of tax measures, was taken up by Representative Wilson (130).

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schoeller	Self	Silvey	Smith 14

Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 070

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Carter	Casey	Colona	Conway
Corcoran	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Chappelle-Nadal	Dougherty	Schlottach	Vogt
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VACANCIES: 001

On motion of Representative Wilson (130), **HB 1842** was ordered perfected and printed.

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS HJR 87** - Fiscal Review (Fiscal Note)

**HB 1661** - Special Standing Committee on General Laws

## COMMITTEE REPORTS

**Committee on Agriculture Policy**, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1848**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1898**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1640**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1894**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1444**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2001**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2002**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2003**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2004**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2005**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2006**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2007**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2008**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2009**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2010**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2011**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2012**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2013**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1271**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1372**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1486**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1494**, begs leave to report it has examined the same and recommends that it **Do Pass NOT CONSENT.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1516**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1538**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1601**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1609**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1654**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1764**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1832**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1868**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1942**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1965**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1977**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1990**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2043**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2056**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2109**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2114**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 2147 & 2261**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2182**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2198**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2205**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2219**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2226**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2231**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2270**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2285**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2290**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2294**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2297**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2355**, introduced by Representatives Hummel, Webber, Carter, Frame, Colona and LeBlanc, relating to asbestos.

**HB 2356**, introduced by Representatives Kander, Fisher (125), Holsman and Webber, relating to veteran's preference in state hiring.

**HB 2357**, introduced by Representatives Smith (150), Tilley, Brown (149), Day, Schoeller, Brown (30), Koenig, Wilson (130), Scharnhorst, Largent, Lair, Wright, Ayres, Emery, Fisher (125), Dusenberg, Parson, Nolte, Wilson (119), Thomson, Leara, Grisamore, Dugger, Sater, Funderburk, Molendorp, Pollock, McGhee, Flanigan, Gatschenberger, Nance, Loehner, Jones (117), Nieves, Dixon, Icet, Zerr, Guernsey, Keeney, Viebrock, Ruzicka, Wells, Ruestman, Burlison and Jones (89), relating to public retirement plans.

**HB 2358**, introduced by Representative Kratky, relating to the St. Louis students' bill of rights.

**HB 2359**, introduced by Representative Schoeller, relating to the designation of children's day in Missouri.

**HB 2360**, introduced by Representative Aull, relating to payments of property taxes.

**HB 2361**, introduced by Representatives Dugger, Wells, Smith (150), Deeken, Weter, Fisher (125), Sander, Dethrow, Denison, Pollock, Schad, Wasson, Molendorp, Cox, Wallace, Dieckhaus, Ayres, Brown (149), McNary, Koenig, Lair, Munzlinger, Faith, Riddle, Parkinson, Burlison, Kraus, Schoeller, Pratt, Franz, Keeney, Nieves, Lipke, Gatschenberger, Viebrock, Davis, Wilson (119), Guernsey, Largent, Diehl and Flanigan, relating to motor vehicle assessed valuation increases.

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## SUPPLEMENTAL CALENDAR

MARCH 22, 2010

### HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 2001 - Icet  
HCS HB 2002 - Icet  
HCS HB 2003 - Icet  
HCS HB 2004 - Icet  
HCS HB 2005 - Icet  
HCS HB 2006 - Icet  
HCS HB 2007 - Icet  
HCS HB 2008 - Icet  
HCS HB 2009 - Icet  
HCS HB 2010 - Icet  
HCS HB 2011 - Icet  
HCS HB 2012 - Icet  
HCS HB 2013 - Icet

### HOUSE BILLS FOR PERFECTION

HCS HB 2198 - Parson

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## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 700**, entitled:

An act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

In which the concurrence of the House is respectfully requested.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 782**, entitled:

An act to amend chapter 32, RSMo, by adding thereto one new section relating to the authority of the department of revenue to provide certain statutory notifications by electronic mail, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 851**, entitled:

An act to amend chapter 67, RSMo, by adding thereto one new section relating to public notice required for certain meetings of political subdivisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 860**, entitled:

An act to repeal section 67.110, RSMo, and to enact in lieu thereof one new section relating to ad valorem property tax rates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 862**, entitled:

An act to repeal section 67.1360, RSMo, and to enact in lieu thereof three new sections relating to transient guest taxes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 863**, entitled:

An act to amend chapter 94, RSMo, by adding thereto three new sections relating to the imposition of a transient guest tax by certain cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 915**, entitled:

An act to repeal sections 67.1000 and 67.1360, RSMo, and to enact in lieu thereof two new sections relating to transient guest taxes for tourism.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 919**, entitled:

An act to repeal section 182.647, RSMo, and to enact in lieu thereof one new section relating to library reports.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 929**, entitled:

An act to amend chapter 67, RSMo, by adding thereto one new section relating to counties contracting for wholesale water services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 942**, entitled:

An act to amend chapter 71, RSMo, by adding thereto one new section relating to the annexation of property within research, development, and office park projects.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 981**, entitled:

An act to repeal section 94.577, RSMo, and to enact in lieu thereof one new section relating to taxes imposed by certain cities to fund public safety activities including operations and capitol improvements, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

## **ADJOURNMENT**

On motion of Representative Self, the House adjourned until 10:00 a.m., Tuesday, March 23, 2010.

## **CORRECTION TO THE HOUSE JOURNAL**

### **AFFIDAVIT**

I, State Representative Mike Lair, District 7, hereby state and affirm that my vote as recorded on Page 544 of the Journal of the House for Thursday, March 18, 2010 House Committee Substitute for House Bill No. 2014 was ordered read the third time and passed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 22nd day of March 2010.

/s/ Mike Lair  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 22nd day of March in the year 2010.

/s/ Patricia W. Parris  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 6.  
Presentation by Farm Credit Services.  
Work session on omnibus bill.

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HB 2277, HB 2245, HB 2166

### **ENERGY AND ENVIRONMENT**

Thursday, March 25, 2010, 9:00 a.m. Side Gallery.  
Executive session.

### **FISCAL REVIEW**

Wednesday, March 24, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **FISCAL REVIEW**

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **HEALTH CARE POLICY**

Wednesday, March 24, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.  
**CANCELLED**  
Public hearing to be held on: HB 2051

### **HEALTHCARE TRANSFORMATION**

Tuesday, March 23, 2010, 5:00 p.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HB 2072

INSURANCE POLICY

Wednesday, March 24, 2010, 12:00 p.m. Hearing Room 7.

Executive session only.

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, March 23, 2010, 5:00 p.m. Hearing Room 7.

Executive session.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

LOCAL GOVERNMENT

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 2312

PUBLIC SAFETY

Tuesday, March 23, 2010, 12:00 p.m. Hearing Room 6.

Executive session only.

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, March 23, 2010, Hearing Room 5 upon afternoon adjournment.

All bills referred.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, March 24, 2010, 9:00 a.m. Hearing Room 5.

All bills referred.

Possible Executive session.

SENIOR CITIZEN ADVOCACY

Wednesday, March 24, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1737

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 1.

Executive session to be held first hour.

Public hearing to be held on: HB 1725

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, March 23, 2010, upon afternoon adjournment Hearing Room 1.

Executive session will be held on: HB 2225

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, March 23, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held. AMENDED

Public hearing to be held on: HB 1661

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Tuesday, March 23, 2010, 12:00 p.m. Hearing Room 5.

Executive session will be held on: HB 2300

**SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**TRANSPORTATION**

Tuesday, March 23, 2010, Hearing Room 7, 1:00 p.m. or upon morning recess, whichever is later.

Working session. Discuss transportation related issues.

Prohibition on text messaging while driving, issuance of one license plate for motor vehicles, outdoor billboards.

Executive session possible

**TRANSPORTATION**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**VETERANS**

Tuesday, March 23, 2010, 9:30 a.m. House Chamber south gallery.

Executive session only.

**HOUSE CALENDAR**

FORTIETH DAY, TUESDAY, MARCH 23, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2355 through HB 2361

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

## **HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 2001 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 2 HCS HB 2002 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 3 HCS HB 2003 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 4 HCS HB 2004 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 5 HCS HB 2005 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 6 HCS HB 2006 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 7 HCS HB 2007 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 8 HCS HB 2008 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 9 HCS HB 2009 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 10 HCS HB 2010 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 11 HCS HB 2011 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 12 HCS HB 2012 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)
- 13 HCS HB 2013 - Icet (8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013)

## **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684 - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1747 - Viebrock
- 4 HB 2294 - Dugger
- 5 HB 1372 - Parson
- 6 HB 1494 - Schaaf
- 7 HCS HB 1601 - Nasheed
- 8 HCS HB 1965 - McNary
- 9 HCS HB 2198 - Parson
- 10 HCS HB 1893 - Kelly

## **HOUSE BILLS FOR PERFECTION - REVISION**

HCS HB 1516 - Smith (150)

## **HOUSE BILLS FOR PERFECTION - CONSENT**

(3/18/2010)

- 1 HB 2111 - Faith
- 2 HCS HB 1831 - Jones (117)
- 3 HCS HB 1290 - Gatschenberger
- 4 HB 1802 - Gatschenberger
- 5 HB 2159 - Diehl
- 6 HB 1941 - Parson
- 7 HB 1664 - Wasson
- 8 HB 1662 - Brown (149)
- 9 HCS HB 1580 - Smith (14)
- 10 HCS HB 1841 - Wilson (130)

- 11 HB 1904 - Wilson (130)
- 12 HCS HB 1970 - Bivins
- 13 HCS HB 1943 - McGhee
- 14 HB 1824 - Sutherland
- 15 HB 1705 - Molendorp
- 16 HB 1595 - Dugger
- 17 HCS HB 1541 - Ruzicka
- 18 HB 1424 - Franz
- 19 HCS HB 1375 - Cooper
- 20 HB 1270 - Meiners
- 21 HB 1643 - Brown (50)
- 22 HCS HB 1707 - Schaaf
- 23 HB 1892 - Nasheed
- 24 HCS HB 2161 - Guest
- 25 HB 1330 - Salva
- 26 HCS HB 1310 - Hodges
- 27 HB 1778 - Walton Gray
- 28 HCS HB 1858 - Zimmerman
- 29 HB 1392 - Kirkton

(3/23/2010)

- 1 HB 1868 - Scharnhorst
- 2 HB 1942 - Parson
- 3 HB 2056 - Diehl
- 4 HB 1609 - Diehl
- 5 HCS HB 1764 - Diehl
- 6 HCS HB 1977 - Wasson
- 7 HB 2109 - Ruzicka
- 8 HB 2114 - Hoskins (121)
- 9 HCS HBs 2147 & 2261 - Hoskins (121)
- 10 HB 2182 - Munzlinger
- 11 HB 2205 - Burlison
- 12 HB 2226 - Wasson
- 13 HCS HB 2231 - Wasson
- 14 HB 2290 - Wasson
- 15 HB 2270 - Cooper
- 16 HB 2285 - Thomson
- 17 HCS HB 2297 - Molendorp
- 18 HB 1990 - Wells
- 19 HB 1832 - Wells
- 20 HCS HB 2219 - LeBlanc
- 21 HCS HB 2043 - Brown (30)
- 22 HB 1654 - Zimmerman
- 23 HB 1538 - Dusenbergl
- 24 HCS HB 1271 - Brown (30)

**HOUSE BILLS FOR THIRD READING**

HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, (Fiscal Review 3-17-10) - Stevenson

**SENATE BILLS FOR SECOND READING**

- 1 SCS SB 700
- 2 SCS SB 782
- 3 SB 851
- 4 SB 860
- 5 SCS SB 862
- 6 SCS SB 863
- 7 SCS SB 915
- 8 SB 919
- 9 SB 929
- 10 SCS SB 942
- 11 SB 981

**HOUSE CONCURRENT RESOLUTIONS**

HCR 46, (2-23-10, Pages 368-369) - Funderburk



# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTIETH DAY, TUESDAY, MARCH 23, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we thank You for springtime, with its steady increase of daylight. We thank You for the warm sunshine, nurturing the greening of lawns and landscapes, fields and forests.

We pray for our nation, as the health care legislation passed on Sunday is signed into law today. May Your divine power guide those who continue to be passionately concerned about this legislation and those responsible for its implementation, so that it leads to good outcomes for our people and for our nation as a whole.

Lord God, inspire us who are responsible in any way for human law to bow always before Your divine law.

To You be glory and praise forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jessica Gardner, Megan Graves, Kristina Assaf, Katie Hayes, Stephen Plassmeyer, Kylie Meyer, Evan M. Davies-Sigmund, Randi Prock, Shaylee Miller, Tony Carr, Tyler Swearingin, Nick Hurshman, Madasyn Scarlett, Samuel Pruitt, Nathan Hurshman, A.J. Lynn, Dustin Reaves, Jacob Bean and Jonathan Shuler.

The Journal of the thirty-ninth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1336 through House Resolution No. 1362

## HOUSE CONCURRENT RESOLUTION

Representative Bringer offered House Concurrent Resolution No. 74.

## SECOND READING OF HOUSE BILLS

**HB 2355** through **HB 2361** were read the second time.

## SECOND READING OF SENATE BILLS

**SCS SB 700, SCS SB 782, SB 851, SB 860, SCS SB 862, SCS SB 863, SCS SB 915, SB 919, SB 929, SCS SB 942 and SB 981** were read the second time.

Speaker Richard assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

## PERFECTION OF HOUSE BILL

**HCS HB 2198**, relating to motor vehicle franchise practices, was taken up by Representative Parson.

Representative Witte raised a point of order that **HCS HB 2198** is not in order pursuant to Rule 47.

The Chair ruled the point of order well taken.

## MOTION

Representative Tilley moved to suspend Rule 47 in order to take up **HCS HB 2198** and **HCS HB 2001** through **HCS HB 2013**.

Representative Roorda requested a division of the question on the motion to suspend Rule 47.

**Part I:** Suspension of Rule 47 on **HCS HB 2198**.

On motion of Representative Tilley, **Part I** was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McNary	Molendorp
Munzlinger	Nance	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

NOES: 071

Atkins	Aull	Biermann	Bringer	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Calloway	McGhee	Nieves	Ruestman
Mr Speaker				

VACANCIES: 001

**Part II: Suspension of Rule 47 on HCS HB 2001 through HCS HB 2013.**On motion of Representative Tilley, **Part II** was adopted by the following vote:

AYES: 112

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Casey
Conway	Cooper	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Lair	Largent	Leara
Liese	Lipke	Loehner	McNary	McNeil
Meadows	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Schoemehl
Self	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 047

Atkins	Aull	Bringer	Burnett	Carter
Chappelle-Nadal	Colona	Curls	Dougherty	Frame
Grill	Hoskins 80	Hughes	Jones 63	Kander
Kuessner	Lampe	LeBlanc	LeVota	Low
McClanahan	McDonald	Meiners	Morris	Nasheed
Newman	Oxford	Pace	Quinn	Scavuzzo
Schieffer	Schupp	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Vogt
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 003

Brown 50	Calloway	McGhee
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VACANCIES: 001

## PERFECTION OF HOUSE BILL

**HCS HB 2198**, relating to motor vehicle franchise practices, was again taken up by Representative Parson.

Representative Parson offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2198, Page 2, Section 407.812, Line 6, by striking the following “, circumvents,”; and

Further amend said substitute, Page 3, Section 407.815, Line 46, by striking the following “, parts and service manuals,”; and

Further amend said substitute, Page 19, Section 407.825, Line 217, by inserting immediately before the word “data” the word “**required**”; and

Further amend said page and section, Line 237, by striking the word “eighteen” and insert in lieu thereof the word “**twelve**”; and

Further amend said substitute, Page 24, Section 407.825, Line 404, by inserting immediately after the word “shall” the word “**not**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Parson, **House Amendment No. 1** was adopted.

On motion of Representative Parson, **HCS HB 2198, as amended**, was adopted.

On motion of Representative Parson, **HCS HB 2198, as amended**, was ordered perfected and printed.

**HOUSE CONCURRENT RESOLUTION**

**HCR 46**, relating to greenhouse gases, was taken up by Representative Funderburk.

Representative Oxford offered **House Amendment No. 1**.

Representative Jones (89) raised a point of order that **House Amendment No. 1** goes beyond the scope of the resolution.

The Chair ruled the point of order well taken.

**HCR 46** was laid over.

On motion of Representative Tilley, the House recessed until 2:15 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

**HOUSE CONCURRENT RESOLUTION**

**HCR 46**, relating to greenhouse gases, was again taken up by Representative Funderburk.

On motion of Representative Funderburk, **HCR 46** was adopted by the following vote:

AYES: 112

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Casey	Conway	Cooper	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McGhee	McNary	Meadows
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 041

Atkins	Burnett	Carter	Chappelle-Nadal	Colona
Corcoran	Curls	Grill	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	LeBlanc	LeVota	Low	McDonald
McNeil	Meiners	Morris	Newman	Oxford
Pace	Roorda	Schoemehl	Schupp	Skaggs
Spreng	Still	Storch	Talboy	Walsh
Walton Gray	Webb	Webber	Whitehead	Yaeger
Zimmerman				

PRESENT: 001

Englund

ABSENT WITH LEAVE: 008

Brown 50	Calloway	Davis	Lampe	Quinn
Salva	Sutherland	Vogt		

VACANCIES: 001

## PERFECTION OF HOUSE BILL

**HCS HB 1684**, relating to economic development, was taken up by Representative Zerr.

Representative Flook offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1684, Page 53, Section 620.1920, Line 5, by deleting all of said line and inserting in lieu thereof the following:

**"(2) "Expansion", the addition of net new jobs in this state or a significant capital investment;"**; and

Further amend said bill, Page 54, Section 620.1920, Lines 19 to 22, by deleting all of said lines and inserting in lieu thereof the following:

**"Upon an objective finding of an economic benefit to the state, the director of the department shall authorize an increase in the amount of tax credit, withholding percentage, or other economic benefit that a Missouri business expansion project would otherwise qualify for, up to a total of an additional ten percent, under the following:"**; and

Further amend said bill, Page 54, Section 620.1920, Lines 30 to 33, by deleting all of said lines and inserting in lieu thereof the following:

**"section 178.894; or**

**(6) The quality jobs tax credit or withholding tax retention authorized under section 620.1881;"**; and

Further amend said bill, Page 54, Section 620.1920, Line 36, by deleting all of said line and inserting in lieu thereof the following:

**"or any of the regulations promulgated under subdivisions (1) to (6) of this subsection.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Flook, **House Amendment No. 1** was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 149	Bruns
Burlison	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Newman
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 007

Bringer	Burnett	Harris	Hughes	Kuessner
Schieffer	Skaggs			

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 011

Brown 50	Calloway	Carter	Fisher 125	Franz
Largent	Morris	Nasheed	Schoemehl	Spreng
Vogt				

VACANCIES: 001

## Representative Molendorp offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1684, Page 1, Section A, Line 5, by inserting after all of said line:

“67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;



- (b) Parks, lawns, trees, and any other landscape;
- (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
- (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;
- (e) Parking lots, garages, or other facilities;
- (f) Lakes, dams, and waterways;
- (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;
- (h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;
- (i) Paintings, murals, display cases, sculptures, and fountains;
- (j) Music, news, and child-care facilities; [and]
- (k) **Any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project or a solar thermal energy project, whether such real or personal property is publicly or privately owned; and**
- (l) Any other useful, necessary, or desired improvement;
- (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;
- (18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- (19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
- (20) Within its boundaries, to lease space for sidewalk café tables and chairs;
- (21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;
- (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property, **including, but not limited to, real or personal property installed as part of a special energy improvement project;**
- (23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;
- (24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;
- (25) To provide or support training programs for employees of businesses within the district;
- (26) To provide refuse collection and disposal services within the district;
- (27) To contract for or conduct economic, planning, marketing or other studies;
- (28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and
- (29) To carry out any other powers set forth in sections 67.1401 to 67.1571.
- 2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:
  - (1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and
  - (2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.
- 3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.
- 4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.
- 5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the

governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS HB 1684, as amended, with House Amendment No. 2, pending,** was laid over.

#### **PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 2001**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2001** was laid over.

**HCS HB 2002**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2002** was laid over.

**HCS HB 2003**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2003** was laid over.

**HCS HB 2004**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2004** was laid over.

**HCS HB 2005**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2005** was laid over.

**HCS HB 2006**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2006** was laid over.

**HCS HB 2007**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2007** was laid over.

**HCS HB 2008**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2008** was laid over.

**HCS HB 2009**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2009** was laid over.

**HCS HB 2010**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2010** was laid over.

**HCS HB 2011**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2011** was laid over.

**HCS HB 2012**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2012** was laid over.

**HCS HB 2013**, relating to appropriations, was taken up by Representative Icet.

**HCS HB 2013** was laid over.

**HCS HB 2001**, relating to appropriations, was again taken up by Representative Icet.

**HCS HB 2001** was laid over.

**HCS HB 2002**, relating to appropriations, was again taken up by Representative Icet.

Representative Wallace offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 4, by deleting "3,110,093,730" and inserting "3,004,388,410"; and

Further amend said bill, said page, said section, Line 12, by deleting "2,339,771,759" and inserting "2,234,066,439"; and

Further amend said bill, Page 11, Section 2.275, Line 4, by deleting "2,185,038,859" and inserting "2,079,333,539"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Wallace, **House Amendment No. 1** was adopted by the following vote:

AYES: 080

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 121	Icet	Jones 89	Jones 117	Kelly
Kingery	Koenig	Lair	Leara	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad

Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 068

Atkins	Aull	Biermann	Bringer	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Keeney	Kirkton	Komo	Kratky
Kraus	Kuessner	Lampe	Largent	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Morris	Nasheed	Newman
Norr	Oxford	Pace	Pratt	Quinn
Roorda	Rucker	Scavuzzo	Schoemehl	Schupp
Skaggs	Spreng	Still	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 50	Calloway	Cooper	Denison	Dusenberg
Grisamore	Lipke	Loehner	Meiners	Pollock
Salva	Shively	Vogt	Yaeger	

VACANCIES: 001

## Representative Icet offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 4, by inserting immediately after the word “formula” the following:

“provided that, notwithstanding the provisions of Section 163.031, RSMo, to the contrary, the Department of Elementary and Secondary Education shall modify the foundation formula phase-in percentages pursuant to Section 163.031.4(5) to accommodate the total amount of available appropriations in fiscal year 2011”.

On motion of Representative Icet, **House Amendment No. 2** was adopted by the following vote:

AYES: 083

Allen	Atkins	Ayes	Biermann	Bivins
Brandom	Brown 30	Brown 149	Burlison	Carter
Chappelle-Nadal	Colona	Cooper	Cox	Cunningham
Curls	Davis	Deeken	Denison	Dieckhaus
Diehl	Dusenberg	Emery	Ervin	Faith
Fallert	Fisher 125	Flanigan	Flook	Funderburk
Gatschenberger	Guernsey	Guest	Hoskins 80	Hughes

Hummel	Icet	Jones 63	Jones 89	Jones 117
Kingery	Kirkton	Koenig	Komo	Kratky
Lair	Leara	LeBlanc	Liese	Low
McNary	Meadows	Meiners	Molendorp	Morris
Nasheed	Newman	Oxford	Pace	Parkinson
Parson	Riddle	Ruzicka	Sander	Sater
Schaaf	Scharnhorst	Schupp	Smith 14	Storch
Stream	Talboy	Thomson	Tilley	Viebrock
Walsh	Walton Gray	Whitehead	Wilson 130	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 071

Aull	Bringer	Bruns	Burnett	Casey
Conway	Day	Dethrow	Dixon	Dougherty
Dugger	Englund	Fischer 107	Frame	Franz
Grill	Grisamore	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Kander	Keeney	Kelly
Kraus	Kuessner	Lampe	Largent	LeVota
Lipke	Loehner	McClanahan	McDonald	Munzlinger
Nance	Nieves	Nolte	Norr	Pratt
Quinn	Roorda	Rucker	Ruestman	Salva
Scavuzzo	Schad	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 150	Spreng	Stevenson	Still	Sutherland
Swinger	Todd	Tracy	Wallace	Wasson
Webb	Webber	Weter	Wilson 119	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Calloway	Corcoran	McGhee	McNeil
Pollock	Vogt	Wells		

VACANCIES: 001

Representative Schoemehl offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2002, Page 7, Section 2.132, Line 3, by deleting "100,000" and inserting "1"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Schoemehl moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative McClanahan offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 18, by inserting immediately after the word “Program” the following:

“, provided that preference be given to students with medical needs”; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative McClanahan moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Silvey offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2002, Page 1, Section 2.005, Line 6, by deleting “1,946,137” and inserting “1,803,637”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 5** was adopted.

Representative Zerr offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 2002, Page 1, Section 2.005, Line 6, by deleting “1,946,137” and inserting “1,741,609”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Zerr, **House Amendment No. 6** was adopted.

Representative Schaaf offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 2002, Page 3, Section 2.020, Line 7, by deleting “295,689” and inserting “241,927”; and

Further amend said bill, said page, said section, Line 14, by deleting “and University of Missouri – St. Louis Center” and inserting “University of Missouri – St. Louis Center, Missouri Southern State University Center, and Missouri Western State University Center”; and

Further amend said bill, said page, said section, Line 16, by deleting “273,847” and inserting “224,056”; and

Further amend said bill, said page, said section, Line 22, by deleting “and the University of Missouri – St. Louis Center” and inserting “, University of Missouri – St. Louis Center, Missouri Southern State University Center, and Missouri Western State University Center”; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Schaaf moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 036

Allen	Brown 30	Conway	Diehl	Dougherty
Emery	Ervin	Flanigan	Flook	Grill
Guernsey	Hodges	Icet	Kelly	Kingery
Liese	Loehner	McDonald	McGhee	Meiners
Nasheed	Nolte	Parkinson	Pollock	Roorda
Rucker	Ruestman	Schaaf	Spreng	Stevenson
Talboy	Tilley	Wilson 130	Yaeger	Zerr
Mr Speaker				

NOES: 120

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dixon	Dugger	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Frame
Franz	Funderburk	Gatschenberger	Grisamore	Guest
Harris	Hobbs	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Lipke	Low	McClanahan
McNary	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Norr
Oxford	Pace	Parson	Pratt	Quinn
Riddle	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Swinger	Thomson
Todd	Tracy	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Witte	Wright	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Calloway	LeBlanc	LeVota	Viebrock
Vogt				

VACANCIES: 001

Representative Schaaf offered **House Amendment No. 8**.

**House Amendment No. 8** was withdrawn.

Representative Dieckhaus offered **House Amendment No. 9.***House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 6, by deleting "37,467,000" and inserting "33,367,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Dieckhaus moved that **House Amendment No. 9** be adopted.

Which motion was defeated the following vote:

AYES: 030

Allen	Bivins	Cox	Davis	Deeken
Dethrow	Dieckhaus	Diehl	Emery	Flanigan
Flook	Funderburk	Guest	Jones 89	Koenig
Leara	Loehner	McNary	Molendorp	Nieves
Salva	Schaaf	Scharnhorst	Smith 14	Stevenson
Stream	Sutherland	Tilley	Zerr	Mr Speaker

NOES: 122

Atkins	Aull	Ayres	Biermann	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cunningham	Curls
Day	Dixon	Dougherty	Dugger	Dusenberg
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Liese	Lipke	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Munzlinger
Nance	Nasheed	Newman	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schad	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 150	Still	Storch	Swinger	Thomson
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zimmerman			

PRESENT: 000



ABSENT WITH LEAVE: 010

Brown 50	Calloway	Denison	LeBlanc	LeVota
McGhee	Spreng	Talboy	Tracy	Vogt

VACANCIES: 001

**Representative Curls offered House Amendment No. 10.***House Amendment No. 10*

AMEND House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 20, by deleting “650,000” and inserting “150,000”; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Curls moved that **House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Atkins	Aull	Biermann	Bringer	Bruns
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dethrow	Dougherty
Fallert	Fischer 107	Frame	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Lipke	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schlottach	Schoemehl	Schupp
Shively	Silvey	Skaggs	Stevenson	Still
Storch	Sutherland	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

NOES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Kraus	Lair	Largent
Leara	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schoeller	Self	Smith 14	Smith 150

Stream	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Calloway	LeBlanc	Spreng	Vogt
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VACANCIES: 001

**HCS HB 2002, as amended**, was laid over.

**HCS HB 2003**, relating to appropriations, was again taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2003, Page 1, Section 3.005, Line 8, by deleting "994,724" and inserting "909,648"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 1** was adopted.

Representative Stevenson offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2003, Page 6, Section 3.145, Line 6, by deleting said line;

Further amend said bill, said page, Section 3.150, Line 5, by deleting said line; and

Further amend said bill, said page, Section 3.155, Line 5, by deleting said line; and

Further amend said bill, Page 7, Section 3.160, Line 5, by deleting said line; and

Further amend said bill, said page, Section 3.165, Line 5, by deleting said line; and

Further amend said bill, said page, Section 3.170, Line 5, by deleting said line; and

Further amend said bill, said page, Section 3.175, Line 5, by deleting said line; and

Further amend said bill, Page 8, Section 3.180, Line 5, by deleting said line; and

Further amend said bill, said page, Section 3.185, Line 5, by deleting said line; and

Further amend said bill, said page, Section 3.190, Line 5, by deleting said line; and

Further amend said bill, Page 9, Section 3.195, Line 5, by deleting said line; and

Further amend said bill, Page 9, Section 3.200, Line 4, by deleting “372,329,131” and inserting “361,329,131”; and

Further amend said bill, said page, said section, Line 6, by deleting said line; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Stevenson moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 039

Bivins	Brown 30	Cox	Davis	Day
Dethrow	Dieckhaus	Diehl	Dugger	Emery
Ervin	Flanigan	Flook	Funderburk	Gatschenberger
Guest	Icet	Jones 89	Koenig	Leara
McGhee	McNary	Nieves	Nolte	Parkinson
Pollock	Ruestman	Sater	Schaaf	Schoeller
Smith 150	Stevenson	Sutherland	Tilley	Wallace
Wells	Wilson 130	Zerr	Mr Speaker	

NOES: 113

Allen	Atkins	Aull	Brandom	Bringer
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Deeken	Denison
Dixon	Dougherty	Dusenberg	Englund	Faith
Fallert	Fischer 107	Fisher 125	Frame	Franz
Grill	Grisamore	Guernsey	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hughes	Hummel
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Norr	Oxford	Pace	Parson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruzicka
Salva	Sander	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Still
Storch	Stream	Swinger	Talboy	Thomson
Todd	Tracy	Walsh	Walton Gray	Wasson
Webb	Webber	Weter	Whitehead	Witte
Wright	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 010

Ayres	Biermann	Brown 50	Calloway	Holsman
Meiners	Spreng	Viebrock	Vogt	Wilson 119

VACANCIES: 001

**HCS HB 2003, as amended**, was laid over.

On motion of Representative Tilley, the House recessed until 7:45 p.m.

### **EVENING SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Pratt.

### **PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 2003, as amended**, was again taken up by Representative Icet.

Representative Dethrow offered **House Amendment No. 3**.

#### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2003, Page 9, Section 3.203, Line 1, by deleting said section in its entirety; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Dethrow moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 047

Allen	Bivins	Brandom	Brown 30	Brown 149
Cox	Davis	Day	Dethrow	Diehl
Dugger	Emery	Ervin	Flanigan	Flook
Gatschenberger	Guernsey	Guest	Icet	Jones 89
Keeney	Koenig	Lair	Leara	McNary
Molendorp	Munzlinger	Nieves	Nolte	Parkinson
Pratt	Riddle	Sander	Schaaf	Scharnhorst
Self	Smith 150	Stevenson	Sutherland	Thomson
Tilley	Tracy	Wallace	Wilson 119	Wilson 130
Zerr	Mr Speaker			

NOES: 102

Atkins	Aull	Ayres	Bringer	Bruns
Burlison	Burnett	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cunningham	Curls	Deeken
Denison	Dixon	Dougherty	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Frame
Grill	Grisamore	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Jones 63	Jones 117	Kander	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Meiners	Morris	Nance
Nasheed	Norr	Oxford	Pace	Parson

Quinn	Roorda	Rucker	Ruzicka	Salva
Sater	Scavuzzo	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Spreng	Still	Storch
Stream	Swinger	Talboy	Todd	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Witte	Wright
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 013

Biermann	Brown 50	Calloway	Carter	Corcoran
Dieckhaus	Franz	Funderburk	Kirkton	Newman
Pollock	Ruestman	Vogt		

VACANCIES: 001

**HCS HB 2003, as amended**, was laid over.

**HCS HB 2004** was again taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2004, Page 2, Section 4.025, Line 6, by deleting "1,729,133" and inserting "1,665,633"; and

Further amend said bill by adjusting the section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 1** was adopted by the following vote:

AYES: 103

Allen	Ayres	Bivins	Brandom	Bringer
Brown 30	Brown 149	Bruns	Burlison	Burnett
Carter	Chappelle-Nadal	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Kirkton	Koenig	Komo	Kraus
Lair	Lampe	Largent	Leara	Lipke
Loehner	McClanahan	McGhee	McNary	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruzicka
Scavuzzo	Schaaf	Schad	Scharnhorst	Schoeller
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland

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Swinger	Thomson	Tilley	Tracy	Viebrock
Wasson	Webber	Wells	Wilson 119	Wilson 130
Zerr	Zimmerman	Mr Speaker		

NOES: 050

Atkins	Aull	Casey	Colona	Conway
Corcoran	Curls	Englund	Faith	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kratky	Kuessner	LeBlanc	LeVota
Liese	Low	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Roorda
Salva	Sander	Sater	Schieffer	Schlottach
Schoemehl	Schupp	Spreng	Still	Talboy
Todd	Wallace	Walsh	Walton Gray	Webb
Weter	Whitehead	Witte	Wright	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 009

Biermann	Brown 50	Calloway	Dieckhaus	Franz
Funderburk	Hobbs	Ruestman	Vogt	

VACANCIES: 001

**Representative Englund offered House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2004, Page 7, Section 4.190, Line 9, by deleting "36,153,502E" and inserting "35,153,502E"; and

Further amend said bill, Page 8, Section 4.200, Line 3, by deleting "250,000,000" and inserting "251,000,000"; and

Further amend said bill by adjusting the sections and bill totals accordingly.

On motion of Representative Englund, **House Amendment No. 2** was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara

LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 019

Conway	Corcoran	Curls	Diehl	Ervin
Faith	Flanigan	Hoskins 80	Hughes	Kander
Kelly	Meiners	Newman	Roorda	Salva
Sater	Scharnhorst	Webb	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 005

Biermann	Brown 50	Calloway	Stevenson	Vogt
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VACANCIES: 001

**HCS HB 2004, as amended**, was laid over.

**HCS HB 2002, as amended**, was again taken up by Representative Icet.

Representative Englund offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 7, by deleting "26,786,767" and inserting "27,786,767"; and

Further amend said bill, said page, said section, Line 13, by deleting "113,979,552" and inserting "114,979,552"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Englund, **House Amendment No. 11** was adopted by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Bruns	Burlison	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway

Corcoran	Cunningham	Curls	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Norr	Oxford	Pace	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Witte	Wright	Yaeger	Zimmerman	Mr Speaker

NOES: 020

Brown 30	Brown 149	Cooper	Cox	Davis
Day	Diehl	Ervin	Flanigan	Gatschenberger
Jones 89	Leara	McGhee	Nieves	Nolte
Pollock	Schaaf	Wilson 119	Wilson 130	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 007

Biermann	Brown 50	Calloway	Dougherty	Stevenson
Vogt	Webb			

VACANCIES: 001

**HCS HB 2002, as amended, was laid over.**

**HCS HB 2004, as amended, was again taken up by Representative Ice.**

**Representative Hoskins (121) offered House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2004, Page 1, Section 4.005, Line 6, by deleting "10,802,103" and inserting "10,735,653"; and

Further amend said bill, Page 2, Section 4.025, Line 6, by deleting "1,729,133" and inserting "1,685,583"; and

Further amend said bill, Page 1, Section 4.005, Line 6, by deleting "10,802,103" and inserting "10,721,515"; and



Further amend said bill, Page 1, Section 4.005, Line 7, by deleting “11,830,895” and inserting “11,750,308”; and

Further amend said bill by adjusting the sections and bill totals accordingly.

On motion of Representative Hoskins (121), **House Amendment No. 3** was adopted.

Representative Dethrow offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2004, Page 14, Section 4.495, Line 1, by deleting the section in its entirety; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Dethrow moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Allen	Ayres	Brandom	Bringer	Brown 30
Brown 149	Burlison	Cunningham	Davis	Day
Dethrow	Dixon	Dugger	Emery	Ervin
Flanigan	Franz	Gatschenberger	Guest	Hobbs
Icet	Jones 89	Keeney	Koenig	Lair
Leara	Lipke	McClanahan	McNary	Molendorp
Munzlinger	Nance	Nieves	Parkinson	Parson
Pollock	Riddle	Ruestman	Ruzicka	Sater
Schaaf	Schad	Scharnhorst	Schoeller	Self
Silvey	Smith 14	Smith 150	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 130	Witte	Zerr	Mr Speaker	

NOES: 095

Atkins	Aull	Bivins	Bruns	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Curls	Deeken	Denison
Dieckhaus	Diehl	Dougherty	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Funderburk	Grill	Grisamore	Harris
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Jones 63	Jones 117	Kander	Kelly
Kingery	Kirkton	Komo	Kratky	Kraus
Kuessner	Lampe	Largent	LeBlanc	LeVota
Liese	Loehner	Low	McDonald	McGhee
McNeil	Meadows	Meiners	Morris	Nasheed
Newman	Nolte	Norr	Oxford	Pace
Pratt	Quinn	Roorda	Rucker	Salva
Sander	Scavuzzo	Schieffer	Schlottach	Schoemehl
Schupp	Shively	Skaggs	Still	Storch

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Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Wilson 119	Wright	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 008

Biermann	Brown 50	Calloway	Cooper	Guernsey
Spreng	Stevenson	Vogt		

VACANCIES: 001

Representative Dethrow offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2004, Page 13, Section 4.455, Line 6 through and including Line 9, by deleting said lines; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Dethrow moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Allen	Ayres	Brandom	Brown 30	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Day	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Frame	Franz
Funderburk	Gatschenberger	Grisamore	Guest	Hobbs
Hoskins 121	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Loehner	McGhee	McNary	Munzlinger	Nieves
Parkinson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schoeller	Self	Smith 14	Smith 150
Swinger	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Zerr	Mr Speaker	

NOES: 081

Atkins	Aull	Bivins	Bringer	Bruns
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Deeken	Dougherty
Englund	Fallert	Fischer 107	Flook	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Icet	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Lipke	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Molendorp	Morris	Nance	Nasheed	Newman

Nolte	Norr	Oxford	Pace	Parson
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Skaggs	Still	Storch	Stream
Sutherland	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Wright	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Biermann	Brown 50	Calloway	Guernsey	Spreng
Stevenson	Vogt			

VACANCIES: 001

**HCS HB 2004, as amended**, was laid over.

**HCS HB 2005** was again taken up by Representative Icet.

Representative Icet offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2005, Page 14, Section 5.465, Line 5, by deleting "174,871,116" and inserting "173,748,421"; and

Further amend said bill, said page, Section 5.470, Line 5, by deleting "286,343,763" and inserting "285,221,068"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Icet, **House Amendment No. 1** was adopted.

**HCS HB 2005, as amended**, was laid over.

**HCS HB 2011** was again taken up by Representative Icet.

Representative Icet offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2011, Page 12, Section 11.200, Line 14, by inserting the following immediately after said line:

"For the purpose of funding foster care tuition waivers  
From General Revenue Fund.....\$100,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Icet, **House Amendment No. 1** was adopted.

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2005, as amended**, again taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2005, Page 1, Section 5.005, Line 6, by deleting "765,594" and inserting "688,127"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 2** was adopted.

Representative Cunningham offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2005, Page 14, Section 5.465, Line 5, by deleting "174,871,116" and inserting "174,721,116"; and

Further amend said bill, said page, Section 5.470, Line 5, by deleting "286,343,763" and inserting "286,193,763"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Cunningham, **House Amendment No. 3** was adopted.

**HCS HB 2005, as amended**, was laid over.

**HCS HB 2012** was again taken up by Representative Icet.

Representative Cunningham offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2012, Page 2, Section 12.030, Line 3, by deleting "150,000" and inserting "300,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Cunningham, **House Amendment No. 1** was adopted by the following vote:

AYES: 084

Aull	Bivins	Brandom	Bringer	Brown 30
Brown 149	Burlison	Conway	Cooper	Cox
Cunningham	Day	Deeken	Dethrow	Dieckhaus

Diehl	Dixon	Dugger	Dusenberg	Emery
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grisamore	Guest	Hobbs	Hoskins 121	Jones 89
Jones 117	Keeney	Kingery	Komo	Kratky
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McGhee	McNary	Meadows
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Ruzicka	Sander	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stream
Thomson	Tilley	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Mr Speaker	

NOES: 064

Allen	Atkins	Ayres	Burnett	Carter
Casey	Chappelle-Nadal	Colona	Corcoran	Curls
Davis	Denison	Dougherty	Englund	Ervin
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Ice	Jones 63	Kander
Kelly	Kirkton	Koenig	Kraus	Kuessner
LeBlanc	LeVota	Low	McClanahan	McDonald
McNeil	Nasheed	Newman	Oxford	Pace
Quinn	Roorda	Scavuzzo	Schieffer	Schoemehl
Schupp	Skaggs	Still	Storch	Sutherland
Swinger	Talboy	Todd	Tracy	Viebrock
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 014

Biermann	Brown 50	Bruns	Calloway	Guernsey
Meiners	Rucker	Ruestman	Salva	Sater
Spreng	Stevenson	Vogt	Wallace	

VACANCIES: 001

**HCS HB 2012, as amended, was laid over.**

**HCS HB 2005, as amended, was again taken up by Representative Ice**

**Representative Hobbs offered House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2005, Page 13, Section 5.450, Line 4, by deleting "77,010,003" and inserting "76,510,003"; and

Further amend said bill, Page 14, Section 5.460, Line 12, by deleting "163,879,088" and inserting "163,379,088"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Hobbs, **House Amendment No. 4** was adopted.

**HCS HB 2005, as amended**, was laid over.

**HCS HB 2010** was again taken up by Representative Icet.

Representative Hobbs offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2010, Page 30, Section 10.645, Line 5, by deleting "9,071,669" and inserting "9,571,669"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Hobbs, **House Amendment No. 1** was adopted.

**HCS HB 2010, as amended**, was laid over.

**HCS HB 2005, as amended**, was again taken up by Representative Icet.

Representative Morris offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2005, Page 15, Section 5.480, Line 7, by deleting "5,766,725" and inserting "5,166,725"; and

Further amend said bill, said page, Section 5.490, Line 7, by deleting "11,462,242" and inserting "10,862,242"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Morris, **House Amendment No. 5** was adopted.

**HCS HB 2005, as amended**, was laid over.

**HCS HB 2011, as amended**, was again taken up by Representative Icet.

Representative Morris offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2011, Page 5, Section 11.080, Line 9, by inserting the following immediately after said line:

"For Missouri Mentoring Partnership  
From General Revenue Fund.....600,000  
From Federal Funds.....785,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Morris, **House Amendment No. 2** was adopted.

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2006** was again taken up by Representative Icet.

Representative Bruns offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2006, Page 2, Section 6.025, Line 5, by deleting "21,760,000" and inserting "21,510,000"; and

Further amend said page, Section 6.030, Line 9, by deleting "21,760,000" and inserting "21,510,000"; and

Further amend said bill by adjusting bill totals accordingly.

On motion of Representative Bruns, **House Amendment No. 1** was adopted.

**HCS HB 2006, as amended**, was laid over.

**HCS HB 2010, as amended**, was again taken up by Representative Icet.

Representative Bruns offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2010, Page 34, Section 10.705, Line 4, by adding the following new section immediately after said line:

"Section 10.710. To the Department of Health and Senior Services  
For the Division of Senior and Disability Services  
For the purpose of funding Alzheimer's grants  
From General Revenue Fund.....\$250,000  
From Federal Funds.....132,835  
Total.....\$382,835"; and

Further amend said bill by adjusting bill totals accordingly.

On motion of Representative Bruns, **House Amendment No. 2** was adopted.

**HCS HB 2010, as amended**, was laid over.

**HCS HB 2006, as amended**, was again taken up by Representative Icet.

Representative Dethrow offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2006, Page 2, Section 6.025, Line 5, by deleting "21,760,000" and inserting "20,000,000"; and

Further amend said bill, said page, Section 6.030, Line 9, by deleting "21,760,000" and inserting "20,000,000"; and

Further amend said bill by amending the bill totals accordingly.

On motion of Representative Dethrow, **House Amendment No. 2** was adopted by the following vote:

AYES: 117

Allen	Atkins	Ayres	Bivins	Brandom
Brown 30	Brown 149	Burlison	Carter	Casey
Chappelle-Nadal	Cooper	Corcoran	Cox	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guest	Hobbs
Hoskins 80	Hoskins 121	Ice	Jones 63	Jones 89
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lampe
Largent	Leara	LeVota	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Tilley	Tracy	Viebrock	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 034

Aull	Bringer	Burnett	Colona	Conway
Cunningham	Fallert	Fischer 107	Fisher 125	Harris
Hodges	Holsman	Hughes	Hummel	Jones 117
Kelly	Lair	LeBlanc	Liese	McClanahan
Nance	Quinn	Salva	Scavuzzo	Schieffer
Shively	Skaggs	Swinger	Talboy	Thomson
Todd	Webber	Witte	Wright	

PRESENT: 000



ABSENT WITH LEAVE: 011

Biermann	Brown 50	Bruns	Calloway	Guernsey
Low	Sander	Spreng	Stevenson	Vogt
Wallace				

VACANCIES: 001

**Representative Silvey offered House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2006, Page 1, Section 6.005, Line 5, by deleting "940,787" and inserting "938,344"; and

Further amend said bill, Page 3, Section 6.035, Line 6, by deleting "1,242,034" and inserting "1,222,302"; and

Further amend said bill, Page 5, Section 6.085, Line 6, by deleting "3,655,637" and inserting "3,654,500"; and

Further amend said bill, Page 7, Section 6.095, Line 6, by deleting "807,506" and inserting "807,481"; and

Further amend said bill, Page 8, Section 6.105, Line 6, by deleting "1,798,779" and inserting "1,797,688"; and

Further amend said bill, Page 9, Section 6.120, Line 6, by deleting "1,200,516" and inserting "1,200,441"; and

Further amend said bill, Page 10, Section 6.145, Line 6, by deleting "117,753" and inserting "117,703"; and

Further amend said bill by amending the section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 3** was adopted.

**Representative Silvey offered House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2006, Page 1, Section 6.005, Line 5, by deleting "940,787" and inserting "920,217"; and

Further amend said bill, Page 11, Section 6.200, Line 7, by deleting "3,778,594" and inserting "3,732,654"; and

Further amend said bill by amending the section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 4** was adopted by the following vote:

AYES: 118

Allen	Ayres	Bivins	Brandom	Bringer
Brown 30	Brown 149	Bruns	Burlison	Carter
Chappelle-Nadal	Cooper	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook

Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guest	Harris	Hodges	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Lipke
Loehner	McDonald	McGhee	McNary	McNeil
Meadows	Molendorp	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Scavuzzo	Schaaf	Schad
Scharnhorst	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 034

Atkins	Aull	Burnett	Casey	Colona
Conway	Curls	Hobbs	Holsman	Hughes
Jones 63	LeBlanc	LeVota	Liese	Low
McClanahan	Morris	Oxford	Pace	Quinn
Rucker	Salva	Sater	Schieffer	Schlottach
Schupp	Swinger	Talboy	Todd	Walton Gray
Webb	Whitehead	Witte	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Biermann	Brown 50	Calloway	Guernsey	Meiners
Roorda	Spreng	Stevenson	Vogt	Wallace

VACANCIES: 001

## Representative Curls offered **House Amendment No. 5.**

### *House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2006, Page 2, Section 6.025, Line 5, by deleting "21,760,000" and inserting "20,360,000"; and

Further amend said bill, Page 3, Section 6.030, Line 9, by deleting "21,760,000" and inserting "20,360,000"; and

Further amend said bill by amending bill totals accordingly.

Representative Curls moved that **House Amendment No. 5** be adopted.

## Which motion was defeated by the following vote:

AYES: 069

Atkins	Brown 30	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Curls	Davis	Dethrow	Dougherty	Dusenberg
Emery	Englund	Ervin	Fallert	Fischer 107
Flook	Grill	Grisamore	Harris	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kraus	Kuessner
Lampe	Leara	LeBlanc	LeVota	Liese
Low	McDonald	McNeil	Meadows	Molendorp
Morris	Nasheed	Newman	Norr	Oxford
Pace	Pratt	Roorda	Rucker	Salva
Schupp	Silvey	Skaggs	Still	Storch
Sutherland	Talboy	Walsh	Walton Gray	Wasson
Webb	Whitehead	Yaeger	Zimmerman	

NOES: 080

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 149	Bruns	Burlison	Cox
Cunningham	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dugger	Faith	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Guest	Hobbs	Hodges	Hoskins 121	IceT
Jones 89	Jones 117	Keeney	Koenig	Kratky
Lair	Largent	Lipke	Loehner	McClanahan
McGhee	McNary	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Quinn
Riddle	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Shively	Smith 14	Smith 150
Stream	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Biermann	Brown 50	Calloway	Guernsey	Kingery
Meiners	Ruestman	Schoemehl	Spreng	Stevenson
Vogt	Wallace	Webber		

VACANCIES: 001

**HCS HB 2006, as amended, was laid over.****HCS HB 2007** was again taken up by Representative IceT.Representative IceT offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2007, Page 5, Section 7.035, Line 6, by inserting immediately after “development” the following:

“ All appropriations from the Missouri Technology Investment Fund shall be subject to the provisions of Section 196.1127 RSMo.” .

On motion of Representative Icet, **House Amendment No. 1** was adopted.

Representative Icet offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2007, Page 4, Section 7.030, Line 2, by inserting immediately after “Corporation” the following:

“, provided that all funds appropriated to the Missouri Technology Corporation by the General Assembly shall be subject to the provisions of Section 196.1127, RSMo.”.

On motion of Representative Icet, **House Amendment No. 2** was adopted.

Representative Icet offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2007, Page 4, Section 7.025, Line 16, by deleting “These.”; and

Further amend said bill, said section, Line 17 through and including Line 21, by deleting said lines.

On motion of Representative Icet, **House Amendment No. 3** was adopted.

Representative Schlottach offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2007, Page 1, Section 7.005, Line 6, by deleting “482,130” and inserting “481,512.”; and

Further amend said bill, Page 1, Section 7.005, Line 8, by deleting “463,035” and inserting “462,719.”; and

Further amend said bill, Page 2, Section 7.005, Line 11, by deleting “651,292” and inserting “650,849.”; and

Further amend said bill, Page 2, Section 7.020, Line 15, by deleting “419,730” and inserting “418,229.”; and

Further amend said bill, Page 2, Section 7.020, Line 16, by deleting “184,838” and inserting “180,414.”; and

Further amend said bill, Page 2, Section 7.020, Line 19, by deleting “464,721” and inserting “463,549.”; and

Further amend said bill, Page 8, Section 7.105, Line 7, by deleting “8,559,699” and inserting “8,558,414.”; and

Further amend said bill, Page 9, Section 7.125, Line 5, by deleting “3,038,437” and inserting “3,031,524.”; and

Further amend said bill, Page 10, Section 7.165, Line 5, by deleting “18,210,582” and inserting “18,209,089.”; and

Further amend said bill, Page 12, Section 7.200, Line 6, by deleting “13,020,980” and inserting “13,014,145.”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Schlottach, **House Amendment No. 4** was adopted.

Representative Silvey offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2007, Page 13, Section 7.415, Line 5 by deleting “1,955,711” and inserting “1,930,711.”; and

Further amend said bill, Page 14, Section 7.440, Line 5, by deleting “819,918” and inserting “794,918.”; and

Further amend said bill, Page 14, Section 7.465, Line 5, by deleting “1,056,552” and inserting “972,052.”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 5** was adopted.

Representative Silvey offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 2007, Page 20, Section 7.800, Line 8, by deleting “4,034,738” and inserting “3,984,738.”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 6** was adopted.

Representative Silvey offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 2007, Page 1, Section 7.005, Line 6, by deleting “482,130” and inserting “476,373.”; and

Further amend said bill, said page, said section, Line 7, by deleting “1,150,275” and inserting “1,138,277.”; and

Further amend said bill, Page 2, said section, Line 10, by deleting “567,537” and inserting “564,730.”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 7** was adopted.

Representative Silvey offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 2007, Page 12, Section 7.400, Line 3, by deleting “153,121” and inserting “148,164.”; and

Further amend said bill, Page 13, Section 7.415, Line 4, by deleting “6,964,725” and inserting “6,916,111.”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 8** was adopted.

Representative Silvey offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 2007, Page 20, Section 7.800, Line 8, by deleting “4,034,738” and inserting “3,976,238.”; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 9** was adopted.

Representative Hoskins (121) offered **House Amendment No. 10**.

**House Amendment No. 10** was withdrawn.

Representative Koenig offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for House Bill No. 2007, Page 10, Section 7.165, Line 1, by deleting the section in its entirety; and

Further amend said bill, Page 11, Section 7.170, Line 1, by deleting the section in its entirety; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Koenig moved that **House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 015

Brown 30	Davis	Dethrow	Emery	Ervin
Flook	Funderburk	Jones 89	Koenig	Kraus
McNary	Pratt	Ruestman	Tracy	Wilson 130

NOES: 136

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham

Curls	Day	Deeken	Denison	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Quinn	Riddle
Roorda	Rucker	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Viebrock	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 011

Biermann	Brown 50	Calloway	Diehl	Guernsey
Low	Meiners	Spreng	Stevenson	Vogt
Wallace				

VACANCIES: 001

Representative Harris offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for House Bill No. 2007, Page 5, Section 7.030, Line 10 through and including Line 11, by deleting said lines in their entirety; and

Further amend said bill, said page, Section 7.035, Line 7, by deleting “3,131,374” and inserting “2,631,374.”; and

Further amend said bill by adjusting section and bill totals accordingly.

Speaker Richard resumed the Chair.

Representative Harris moved that **House Amendment No. 12** be adopted.

Which motion was defeated.

Representative Lampe offered **House Amendment No. 13.**

**House Amendment No. 13** was withdrawn.

Representative Roorda offered **House Amendment No. 14**

*House Amendment No. 14*

AMEND House Committee Substitute for House Bill No. 2007, Page 10, Section 7.165, Line 5, by deleting “18,210,582” and inserting “17,310,582.”; and

Further amend said bill, Page 11, Section 7.170, Line 4, by deleting “19,339,812” and inserting “18,439,812.”; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Roorda moved that **House Amendment No. 14** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Atkins	Aull	Bringer	Brown 30	Burnett
Casey	Cooper	Corcoran	Curls	Davis
Day	Dethrow	Dougherty	Dugger	Emery
Englund	Ervin	Frame	Hodges	Hoskins 80
Hummel	Jones 63	Kander	Kelly	Koenig
Komo	Kuessner	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Self	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Wallace
Walsh	Walton Gray	Webb	Webber	Whitehead
Wilson 119	Witte	Yaeger		

NOES: 087

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Chappelle-Nadal	Colona
Conway	Cox	Cunningham	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dusenberg	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Holsman	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Kirkton
Kratky	Kraus	Lair	Largent	Leara
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Schupp
Silvey	Smith 14	Smith 150	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wasson
Wells	Weter	Wilson 130	Wright	Zerr
Zimmerman	Mr Speaker			



PRESENT: 000

ABSENT WITH LEAVE: 012

Biermann	Brown 50	Calloway	Flook	Guernsey
Hughes	Lipke	Low	Meiners	Spreng
Stevenson	Vogt			

VACANCIES: 001

### Representative McClanahan offered **House Amendment No. 15.**

#### *House Amendment No. 15*

AMEND House Committee Substitute for House Bill No. 2007, Page 10, Section 7.165, Line 5, by deleting “18,210,582” and inserting “17,210,582.”; and

Further amend said bill, Page 11, Section 7.170, Line 4, by deleting “19,339,812” and inserting “18,339,812.”; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative McClanahan moved that **House Amendment No. 15** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Atkins	Aull	Bringer	Brown 30	Burnett
Cooper	Curls	Davis	Dethrow	Emery
Englund	Ervin	Flook	Frame	Hodges
Hughes	Jones 89	Kander	Kelly	Koenig
Komo	Kuessner	Lampe	LeBlanc	LeVota
Liese	McClanahan	McNeil	Molendorp	Newman
Norr	Oxford	Pratt	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Shively	Skaggs
Still	Swinger	Talboy	Tilley	Todd
Walsh	Walton Gray	Webber	Witte	

NOES: 099

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Franz
Funderburk	Grill	Grisamore	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 117	Keeney	Kingery
Kirkton	Kratky	Kraus	Lair	Largent
Leara	Lipke	Loehner	McDonald	McGhee
McNary	Meadows	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Pace	Parkinson
Parson	Pollock	Riddle	Ruestman	Ruzicka
Salva	Sater	Schaaf	Schad	Schlottach

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Schoeller	Schoemehl	Schupp	Self	Silvey
Smith 14	Smith 150	Storch	Stream	Sutherland
Thomson	Tracy	Viebrock	Wallace	Webb
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 014

Biermann	Brown 50	Calloway	Gatschenberger	Guernsey
Low	Meiners	Sander	Scharnhorst	Spreng
Stevenson	Vogt	Wasson	Wells	

VACANCIES: 001

**Representative Roorda offered House Amendment No. 16.**

*House Amendment No. 16*

AMEND House Committee Substitute for House Bill No. 2007, Page 10, Section 7.165, Line 5, by deleting “18,210,582” and inserting “18,110,582.”; and

Further amend said bill, Page 11, Section 7.170, Line 4, by deleting “19,339,812” and inserting “19,239,812.”; and

Further amend said bill by adjusting section and bill totals accordingly.

**Representative Roorda moved that House Amendment No. 16 be adopted.**

**Which motion was defeated by the following vote:**

AYES: 067

Atkins	Aull	Bringer	Brown 30	Bruns
Burlison	Burnett	Cooper	Curls	Davis
Deeken	Dethrow	Dixon	Dusenberg	Emery
Englund	Ervin	Flook	Franz	Grisamore
Hobbs	Hodges	Hughes	Jones 89	Jones 117
Kander	Koenig	Komo	Kraus	Kuessner
Lampe	LeBlanc	LeVota	Liese	Lipke
McClanahan	McNary	McNeil	Munzlinger	Newman
Norr	Oxford	Parson	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Sander
Scavuzzo	Schieffer	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Still	Swinger
Talboy	Todd	Tracy	Wasson	Webber
Witte	Yaeger			

NOES: 086

Allen	Ayres	Bivins	Brandom	Brown 149
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Cunningham	Day	Denison
Dieckhaus	Diehl	Dougherty	Dugger	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Frame

Funderburk	Gatschenberger	Grill	Guest	Harris
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Keeney	Kingery	Kirkton	Kratky
Lair	Largent	Leara	Loehner	Low
McDonald	McGhee	Meadows	Molendorp	Morris
Nance	Nasheed	Nieves	Nolte	Pace
Parkinson	Pollock	Ruzicka	Salva	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Schupp	Smith 150	Storch	Stream	Sutherland
Thomson	Tilley	Viebrock	Wallace	Walsh
Walton Gray	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Wright	Zerr	Zimmerman
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 009

Biermann	Brown 50	Calloway	Guernsey	Kelly
Meiners	Spreng	Stevenson	Vogt	

VACANCIES: 001

### Representative Rucker offered **House Amendment No. 17.**

#### *House Amendment No. 17*

AMEND House Committee Substitute for House Bill No. 2007, Page 10, Section 7.165, Line 5, by deleting “18,210,582” and inserting “17,710,582.”; and

Further amend said bill, Page 11, Section 7.170, Line 4, by deleting “19,339,812” and inserting “18,839,812.”; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Rucker moved that **House Amendment No. 17** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Atkins	Aull	Bringer	Brown 30	Burnett
Carter	Curls	Davis	Dethrow	Dougherty
Dusenberg	Emery	Englund	Ervin	Flook
Frame	Hodges	Hoskins 80	Hughes	Jones 63
Jones 89	Kander	Kelly	Koenig	Kraus
Kuessner	Lampe	Largent	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNary
McNeil	Morris	Nasheed	Newman	Norr
Oxford	Pace	Pratt	Quinn	Roorda
Rucker	Scavuzzo	Scharnhorst	Schieffer	Shively
Skaggs	Still	Swinger	Talboy	Thomson
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Wright	Yaeger	

NOES: 089

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dugger	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guest	Harris	Hobbs
Holsman	Hoskins 121	Hummel	Ice	Jones 117
Keeney	Kingery	Kirkton	Komo	Kratky
Lair	Leara	Lipke	Loehner	McGhee
Meadows	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schoeller	Schoemehl
Schupp	Self	Silvey	Smith 14	Smith 150
Stream	Sutherland	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Zerr	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 009

Biermann	Brown 50	Calloway	Guernsey	Meiners
Spreng	Stevenson	Storch	Vogt	

VACANCIES: 001

**HCS HB 2007, as amended,** was laid over.

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HBs 1327 & 2000** - Fiscal Review (Fiscal Note)

## COMMITTEE REPORTS

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1607**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HCRs 25, 29 & 39**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 88**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1254**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1640**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1787**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1806**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1848**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1894**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1898**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2026**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2220**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2317**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2362**, introduced by Representatives Ruzicka, Loehner, Munzlinger, Schlottach, Day, Viebrock, Hobbs and Smith (150), relating to the agritourism promotion act.

**HB 2363**, introduced by Representatives Tracy, Brown (149), Flanigan, Allen and Hoskins (121), relating to exemptions from state use taxes.

**HB 2364**, introduced by Representative Leara, relating to the quality jobs act.

**HB 2365**, introduced by Representatives Meadows, Bruns and Roorda, relating to contract carriers hired to transport railroad employees.

**HB 2366**, introduced by Representatives Roorda, Meadows, Harris, Fallert, Komo, Frame and Casey, relating to testing of certain defendants for sexually transmitted diseases.

**HB 2367**, introduced by Representatives Schad, Pollock, Loehner, Jones (117), Fisher (125) and Dugger, relating to sales taxes on certain sales.

**HB 2368**, introduced by Representatives Schad, Bruns, Flook, Meadows and Roorda, relating to regulation of contract carriers that transport railroad employees.

**HB 2369**, introduced by Representatives Walton Gray, LeBlanc, Pace, Jones (63) and Morris, relating to a sickle cell disease task force.

**HB 2370**, introduced by Representatives Walton Gray, Wallace, Roorda, Atkins and Morris, relating to vacation leave for state employees.

**HB 2371**, introduced by Representative Franz, relating to solid waste processing facilities.

**HB 2372**, introduced by Representative Franz, relating to a joint committee of the general assembly.

**HB 2373**, introduced by Representatives Funderburk, Smith (14), Zerr, Gatschenberger and Faith, relating to tax levy revisions.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, March 24, 2010.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 6.  
Presentation by Farm Credit Services.  
Work session on omnibus bill.

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, March 24, 2010, Hearing Room 6 upon morning recess.  
Executive session may follow.  
Public hearing to be held on: HB 1598

### **CRIME PREVENTION**

Wednesday, March 24, 2010, 12:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 1313, HB 1869

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HB 2277, HB 2245, HB 2166

### **ENERGY AND ENVIRONMENT**

Thursday, March 25, 2010, 9:00 a.m. Side Gallery.  
Executive session.

### **FISCAL REVIEW**

Wednesday, March 24, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **FISCAL REVIEW**

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **HEALTH CARE POLICY**

Wednesday, March 24, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.  
**CANCELLED**  
Public hearing to be held on: HB 2051

### **INSURANCE POLICY**

Wednesday, March 24, 2010, 12:00 p.m. Hearing Room 7.  
Executive session only.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

LOCAL GOVERNMENT

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 2312

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, March 24, 2010, 9:00 a.m. Hearing Room 5.

All bills referred.

Possible Executive session. CANCELLED

SENIOR CITIZEN ADVOCACY

Wednesday, March 24, 2010, 5:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1737

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 24, 2010, 8:00 a.m. Hearing Room 1.

Executive session to be held first hour.

Public hearing to be held on: HB 1725

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 24, 2010, South Gallery upon morning recess.

Executive session.



**TOURISM**

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HCR 37

**TRANSPORTATION**

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 5.

Executive session.

**TRANSPORTATION**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**WAYS AND MEANS**

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 2040, HB 2301

**HOUSE CALENDAR**

FORTY-FIRST DAY, WEDNESDAY, MARCH 24, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2362 through HB 2373

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HJR 88 - Nieves

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 2001, 8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 2 HCS HB 2002, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 3 HCS HB 2003, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 4 HCS HB 2004, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 5 HCS HB 2005, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 6 HCS HB 2006, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet

- 7 HCS HB 2007, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 8 HCS HB 2008, 8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 9 HCS HB 2009, 8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 10 HCS HB 2010, as amended,  
8 hours total debate on Perfection for HCS HB 2001 through HCS HB 2013 - Icet
- 11 HCS HB 2011, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 12 HCS HB 2012, as amended,  
8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet
- 13 HCS HB 2013, 8 hours total debate on Perfection for HCS HB 2001-HCS HB 2013 - Icet

#### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1747 - Viebrock
- 4 HB 2294 - Dugger
- 5 HB 1372 - Parson
- 6 HB 1494 - Schaaf
- 7 HCS HB 1601 - Nasheed
- 8 HCS HB 1965 - McNary
- 9 HCS HB 1893 - Kelly
- 10 HCS HB 2026 - Hobbs
- 11 HCS HB 1787 - Jones (117)
- 12 HB 1254 - Wilson (119)
- 13 HCS HB 1806 - Franz
- 14 HB 2220 - Dugger

#### **HOUSE BILLS FOR PERFECTION - REVISION**

HCS HB 1516 - Smith (150)

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(3/18/2010)

- 1 HB 2111 - Faith
- 2 HCS HB 1831 - Jones (117)
- 3 HCS HB 1290 - Gatschenberger
- 4 HB 1802 - Gatschenberger
- 5 HB 2159 - Diehl
- 6 HB 1941 - Parson
- 7 HB 1664 - Wasson
- 8 HB 1662 - Brown (149)
- 9 HCS HB 1580 - Smith (14)
- 10 HCS HB 1841 - Wilson (130)

- 11 HB 1904 - Wilson (130)
- 12 HCS HB 1970 - Bivins
- 13 HCS HB 1943 - McGhee
- 14 HB 1824 - Sutherland
- 15 HB 1705 - Molendorp
- 16 HB 1595 - Dugger
- 17 HCS HB 1541 - Ruzicka
- 18 HB 1424 - Franz
- 19 HCS HB 1375 - Cooper
- 20 HB 1270 - Meiners
- 21 HB 1643 - Brown (50)
- 22 HCS HB 1707 - Schaaf
- 23 HB 1892 - Nasheed
- 24 HCS HB 2161 - Guest
- 25 HB 1330 - Salva
- 26 HCS HB 1310 - Hodges
- 27 HB 1778 - Walton Gray
- 28 HCS HB 1858 - Zimmerman
- 29 HB 1392 - Kirkton

(3/23/2010)

- 1 HB 1868 - Scharnhorst
- 2 HB 1942 - Parson
- 3 HB 2056 - Diehl
- 4 HB 1609 - Diehl
- 5 HCS HB 1764 - Diehl
- 6 HCS HB 1977 - Wasson
- 7 HB 2109 - Ruzicka
- 8 HB 2114 - Hoskins (121)
- 9 HCS HBs 2147 & 2261 - Brown (149)
- 10 HB 2182 - Munzlinger
- 11 HB 2205 - Burlison
- 12 HB 2226 - Wasson
- 13 HCS HB 2231 - Wasson
- 14 HB 2290 - Wasson
- 15 HB 2270 - Cooper
- 16 HB 2285 - Thomson
- 17 HCS HB 2297 - Molendorp
- 18 HB 1990 - Wells
- 19 HB 1832 - Wells
- 20 HCS HB 2219 - LeBlanc
- 21 HCS HB 2043 - Brown (30)
- 22 HB 1654 - Zimmerman
- 23 HB 1538 - Dusenberg
- 24 HCS HB 1271 - Brown (30)

(3/24/2010)

- 1 HCS HB 1898 - Zerr
- 2 HB 2317 - Tracy
- 3 HCS HB 1848 - Holsman
- 4 HB 1640 - Roorda
- 5 HB 1894 - Bringer

#### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 87, (Fiscal Review 3-23-10) - Icet

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, (Fiscal Review 3-17-10) - Stevenson
- 2 HCS HB 1207 - Day
- 3 HCS HBs 1327 & 2000, (Fiscal Review 3-23-10) - Pratt
- 4 HCS HB 1446 - Jones (89)
- 5 HB 1842 - Wilson (130)

#### **HOUSE CONCURRENT RESOLUTIONS**

HCS HCR 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-FIRST DAY, WEDNESDAY, MARCH 24, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord, God, You are highly exalted, glorious beyond our understanding. Often our words fall woefully short and betray our ignorance of Who You are and Your explicit intentions for us.

Heavenly Father, we thank You for Your kindness and mercy which You have graciously showered upon us. We humbly approach You with reverence and awe. May not a day pass that we do not welcome Your grace, mercy, compassion and love.

It has been rightfully said that the kingdom of self is heavily defended territory. If we have, in the past, vigorously defended self, forgive us and help us now to passionately consider and defend the rights and purposes of this state and our constituents.

When asked to do the difficult, the tendency is to shrink back and look for easy paths. May we instead, by Your grace, rise to the challenge and with patience, together, find solutions to the challenges we face. We very much need Your help.

Now may the Lord, our God, who has loved us and given us everlasting consolation and good hope by grace, comfort our hearts and establish us in every good word and work.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Devyn Miller, Joshua Carr, Lauren Faulkner, Colin Carter, Neha Jayan, Josh Simelbauer and Ashley Cook.

The Journal of the fortieth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1363 through House Resolution No. 1386

## SECOND READING OF HOUSE BILLS

**HB 2362** through **HB 2373** were read the second time.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 87** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## PERFECTION OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 2008** was taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2008, Page 1, Section 8.005, Line 6, by deleting "1,056,555" and inserting "1,035,764"; and

Further amend said bill by amending section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 1** was adopted.

Representative Hoskins (121) offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2008, Page 1, Section 8.005, Line 6, by deleting "1,056,555" and inserting "979,305"; and

Further amend said bill, page, section, Line 13, by deleting said line and inserting the following:

"Total (Not to exceed 48.00 F.T.E.).....\$42,480,015"; and

Further amend said bill by amending the bill totals accordingly.

Representative Hoskins (121) moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 075

Allen	Ayres	Bivins	Brown 30	Brown 149
Burlison	Cox	Cunningham	Davis	Day
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest

Hoskins 121	Icet	Jones 89	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	Molendorp	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Scharnhorst	Schlottach	Schoeller
Silvey	Smith 14	Smith 150	Stream	Sutherland
Tilley	Tracy	Viebrock	Wasson	Wells
Weter	Wilson 119	Wilson 130	Zerr	Mr Speaker

NOES: 076

Atkins	Aull	Biermann	Brandom	Bringer
Bruns	Burnett	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Deeken	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Jones 117	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Morris	Munzlinger
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Salva	Scavuzzo	Schad
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Wright	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Calloway	Carter	Cooper	McNary
Meiners	Rucker	Self	Stevenson	Thomson
Wallace				

VACANCIES: 001

Representative Dougherty offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2008, Page 11, Section 8.145, Line 6, by deleting "1,905,441" and inserting "1,765,441"; and

Further amend said bill, page, section, Line 9, by deleting said line and inserting the following:

"Total (Not to exceed 42.00 F.T.E.).....\$2,525,342"; and

Further amend said bill by amending the bill totals accordingly.

On motion of Representative Dougherty, **House Amendment No. 3** was adopted.

**HCS HB 2008, as amended**, was laid over.

**HCS HB 2009** was taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2009, Page 1, Section 9.005, Line 7, by deleting "4,048,955" and inserting "3,997,743"; and

Further amend said bill by amending section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 1** was adopted.

Representative Hoskins (121) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2009, Page 1, Section 9.005, Line 7, by deleting "4,048,955" and inserting "3,775,135"; and

Further amend said bill, page, section, Line 11, by deleting said line and inserting the following:

"Total (Not to exceed 105.50 F.T.E.).....\$4,275,135"; and

Further amend said bill by amending the bill totals accordingly.

Representative Hoskins (121) moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Allen	Ayes	Brandom	Brown 30	Brown 149
Burlison	Cox	Davis	Denison	Dethrow
Dieckhaus	Diehl	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hoskins 121	Icet	Jones 89
Keeney	Koenig	Kraus	Leara	McGhee
McNary	Munzlinger	Nance	Parkinson	Pollock
Pratt	Ruestman	Sander	Sater	Schaaf
Schad	Schoeller	Self	Smith 14	Smith 150
Sutherland	Thomson	Tilley	Tracy	Wasson
Wells	Weter	Wilson 119	Wilson 130	Zerr
Mr Speaker				

NOES: 088

Atkins	Aull	Biermann	Bringer	Bruns
Burnett	Casey	Chappelle-Nadal	Conway	Corcoran
Cunningham	Curls	Day	Deeken	Dixon
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hughes	Jones 63	Jones 117	Kander	Kelly



Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Molendorp
Morris	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parson	Quinn
Riddle	Ruzicka	Salva	Scavuzzo	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Skaggs	Spreng	Still	Storch
Stream	Swinger	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Wright	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 013

Bivins	Brown 50	Calloway	Carter	Colona
Cooper	Hummel	Roorda	Rucker	Stevenson
Talboy	Viebrock	Wallace		

VACANCIES: 001

Representative Brown (30) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2009, Page 10, Section 9.190, Line 7, by deleting said line; and

Further amend said bill by amending section and bill totals accordingly.

Representative Brown (30) moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 043

Ayres	Bivins	Brown 30	Brown 149	Burlison
Cox	Davis	Deeken	Dethrow	Dieckhaus
Dugger	Dusenberg	Emery	Ervin	Flook
Franz	Funderburk	Guernsey	Guest	Hobbs
Jones 89	Jones 117	Koenig	Kraus	Leara
Loehner	Molendorp	Nieves	Parkinson	Pratt
Ruzicka	Sander	Schaaf	Schoeller	Smith 150
Sutherland	Thomson	Tracy	Wells	Weter
Wilson 119	Wilson 130	Mr Speaker		

NOES: 104

Allen	Atkins	Aull	Biermann	Brandom
Bringer	Bruns	Burnett	Carter	Casey
Chappelle-Nadal	Conway	Corcoran	Cunningham	Curls
Day	Denison	Diehl	Dixon	Dougherty
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Frame	Gatschenberger	Grill	Grisamore

Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	LeBlanc
LeVota	Liese	Lipke	McClanahan	McDonald
McNary	McNeil	Meadows	Meiners	Morris
Munzlinger	Nance	Nasheed	Nolte	Norr
Pace	Parson	Quinn	Riddle	Roorda
Ruestman	Salva	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Spreng	Still	Storch	Stream	Swinger
Talbot	Tilley	Todd	Viebrock	Walsh
Walton Gray	Wasson	Webb	Whitehead	Witte
Wright	Yaeger	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 015

Brown 50	Calloway	Colona	Cooper	Kander
Low	McGhee	Newman	Oxford	Pollock
Rucker	Stevenson	Vogt	Wallace	Webber

VACANCIES: 001

Representative Schaaf offered **House Amendment No. 4.**

**House Amendment No. 4** was withdrawn.

**HCS HB 2009, as amended,** was laid over.

**HCS HB 2010, as amended,** was taken up by Representative Ice.

Representative Silvey offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2010, Page 1, Section 10.005, Line 6, by deleting "524,257" and inserting "521,547"; and

Further amend said bill, Page 2, Section 10.025, Line 7, by deleting "5,000,273" and inserting "4,984,894"; and

Further amend said bill, Page 6, Section 10.100, Line 8, by deleting "857,720" and inserting "813,527"; and

Further amend said bill, Page 8, Section 10.200, Line 7, by deleting "589,712" and inserting "545,520"; and

Further amend said bill, Page 18, Section 10.400, Line 7, by deleting "1,496,689" and inserting "1,452,496"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 3** was adopted.

**Representative Silvey offered House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2010, Page 30, Section 10.645, Line 5, by deleting "9,071,669" and inserting "9,049,669"; and

Further amend said bill, Page 32, Section 10.675, Line 7, by deleting "1,983,610" and inserting "1,978,610"; and

Further amend said page, Section 10.680, Line 7, by deleting "7,247,497" and inserting "7,241,497"; and

Further amend said bill, Page 35, Section 10.730, Line 7, by deleting "9,021,984" and inserting "9,011,984"; and

Further amend said bill to adjust section and bill totals accordingly.

**On motion of Representative Silvey, House Amendment No. 4 was adopted.**

**Representative Silvey offered House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2010, Page 1, Section 10.005, Line 6, by deleting "524,257" and inserting "473,023"; and

Further amend said bill, Page 26, Section 10.600, Line 7, by deleting "978,822" and inserting "922,711"; and

Further amend said bill by adjusting section and bill totals accordingly.

**On motion of Representative Silvey, House Amendment No. 5 was adopted by the following vote:**

AYES: 102

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Carter
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Hoskins 121	Icet	Jones 89	Jones 117
Kander	Keeney	Kingery	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	Lipke	Loehner	McGhee	McNary
Meadows	Molendorp	Munzlinger	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Scavuzzo	Schaaf	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stream	Sutherland	Thomson

Tilley	Tracy	Viebrock	Wasson	Webber
Wells	Wilson 119	Wilson 130	Wright	Zerr
Zimmerman	Mr Speaker			

NOES: 051

Atkins	Aull	Bringer	Burnett	Casey
Chappelle-Nadal	Conway	Corcoran	Curls	Fisher 125
Holsman	Hoskins 80	Hummel	Jones 63	Kelly
Kirkton	Kuessner	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Morris	Nance	Newman	Norr	Oxford
Pace	Quinn	Roorda	Sater	Scharnhorst
Schupp	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Wallace	Walsh
Walton Gray	Webb	Weter	Whitehead	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Colona	Diehl	Hobbs
Hughes	Schad	Stevenson	Vogt	

VACANCIES: 001

## Representative Wasson offered **House Amendment No. 6.**

### *House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 2010, Page 10, Section 10.210, Line 12, by deleting "85,467,387" and inserting "84,967,387"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Wasson, **House Amendment No. 6** was adopted by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 149	Bruns
Burlison	Carter	Casey	Chappelle-Nadal	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Kratky
Kuessner	Lair	Lampe	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McClanahan

McDonald	McNary	McNeil	Meadows	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 020

Bringer	Burnett	Colona	Hughes	Jones 63
Komo	Kraus	Largent	Low	McGhee
Meiners	Morris	Newman	Oxford	Pace
Rucker	Schaaf	Walton Gray	Webb	Whitehead

PRESENT: 001

Skaggs

ABSENT WITH LEAVE: 006

Brown 50	Calloway	Salva	Schad	Stevenson
Vogt				

VACANCIES: 001

**HCS HB 2010, as amended**, was laid over.

**HCS HB 2011, as amended**, was taken up by Representative Icet.

Representative Wasson offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2011, Page 26, Section 11.510, Line 8, by adding the following immediately after said line:

“Section 11.512. To the Department of Social Services  
For the MO HealthNet Division  
For the purpose of funding grants to Certified Rural Health Clinics for the expansion of services to  
MO HealthNet participants and under and uninsured residents of rural communities  
From General Revenue Fund.....\$500,000”; and

Further amend said bill to adjust bill totals accordingly.

On motion of Representative Wasson, **House Amendment No. 3** was adopted.

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2010, as amended**, was again taken up by Representative Icet.

Representative Schaaf offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 2010, Page 35, Section 10.725, by deleting entire section; and

Further amend said bill by adjusting section totals accordingly.

Representative Schaaf moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 043

Allen	Ayres	Brandom	Brown 30	Brown 149
Cooper	Cox	Cunningham	Davis	Deeken
Dethrow	Dieckhaus	Dugger	Dusenberg	Emery
Ervin	Flanigan	Flook	Franz	Gatschenberger
Grisamore	Guernsey	Guest	Koenig	Kraus
Lair	McGhee	Molendorp	Nance	Nolte
Parkinson	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Thomson	Tilley
Tracy	Wilson 119	Zerr		

NOES: 109

Atkins	Aull	Biermann	Bivins	Bringer
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Day	Denison	Dixon	Dougherty	Englund
Faith	Fallert	Fischer 107	Fisher 125	Frame
Funderburk	Grill	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Munzlinger	Nasheed	Newman
Nieves	Norr	Oxford	Pace	Parson
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Still	Storch
Stream	Swinger	Talboy	Todd	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 50	Calloway	Diehl	McNary	Pollock
Schlottach	Stevenson	Sutherland	Vogt	Wallace

VACANCIES: 001

**HCS HB 2010, as amended**, was laid over.

**HCS HB 2011, as amended**, was again taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2011, Page 1, Section 11.005, Line 6, by deleting "361,572" and inserting "305,460"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 4** was adopted by the following vote:

AYES: 103

Allen	Ayres	Biermann	Bivins	Bringer
Brown 30	Brown 149	Bruns	Burlison	Carter
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	Lipke
Loehner	McGhee	McNary	Meadows	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pratt	Riddle	Ruestman
Ruzicka	Sander	Seavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Self	Silvey
Skaggs	Smith 14	Smith 150	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wasson
Webber	Wells	Wilson 119	Wilson 130	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 050

Atkins	Aull	Brandom	Burnett	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kuessner	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Morris	Newman	Norr	Oxford	Pace

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Quinn	Roorda	Salva	Sater	Schlottach
Schoemehl	Schupp	Shively	Spreng	Still
Storch	Swinger	Todd	Walsh	Walton Gray
Webb	Weter	Whitehead	Witte	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Holsman	Pollock	Rucker
Stevenson	Talboy	Vogt	Wallace	

VACANCIES: 001

Representative Ruzicka offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2011, Page 18, Section 11.430, Line 14, by deleting "116,717,928" and inserting "116,317,928"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Ruzicka, **House Amendment No. 5** was adopted.

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2003, as amended**, was taken up by Representative Icet.

Representative Ruzicka offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2003, Page 10, Section 3.220, Line 4, by deleting "11,486,522" and inserting "11,886,522"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Ruzicka, **House Amendment No. 4** was adopted.

**HCS HB 2003, as amended**, was laid over.

**HCS HB 2011, as amended**, was again taken up by Representative Icet.

Representative Brown (30) offered **House Amendment No. 6.**



*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 2011, Page 20, Section 11.450, Line 14, by deleting said line; and

Further amend said bill, Page 21, Section 11.465, Line 13, by deleting said line; and

Further amend said bill by amending section and bill totals accordingly.

Representative Brown (30) moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following:

AYES: 053

Allen	Ayres	Bivins	Brown 30	Burlison
Cooper	Cox	Davis	Day	Dethrow
Dieckhaus	Dugger	Dusenberg	Emery	Ervin
Faith	Flanigan	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Jones 89	Keeney	Koenig
Kraus	Lair	Leara	McGhee	McNary
Nieves	Nolte	Parkinson	Pollock	Pratt
Riddle	Ruestman	Sander	Schaaf	Schad
Scharnhorst	Schoeller	Self	Smith 14	Sutherland
Tilley	Tracy	Viebrock	Wallace	Wilson 119
Wilson 130	Zerr	Mr Speaker		

NOES: 102

Atkins	Aull	Biermann	Brandom	Bringer
Brown 149	Bruns	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cunningham
Curls	Deeken	Diehl	Dixon	Dougherty
Englund	Fallert	Fischer 107	Fisher 125	Flook
Frame	Grill	Grisamore	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 117	Kander	Kelly
Kingery	Kirkton	Komo	Kratky	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Norr	Oxford
Pace	Parson	Quinn	Roorda	Rucker
Ruzicka	Salva	Sater	Scavuzzo	Schieffer
Schlottach	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 150	Spreng	Still	Storch
Stream	Swinger	Talboy	Thomson	Todd
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Witte	Wright
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50  
Stevenson

Calloway  
Vogt

Denison

Hughes

Kuessner

VACANCIES: 001

Representative Storch offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 2011, Page 19, Section 11.430, Line 26, by deleting "123,501,025" and inserting "122,597,165"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Storch, **House Amendment No. 7** was adopted.

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2010, as amended**, was again taken up by Representative Icet.

Representative Storch offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 2010, Page 32, Section 10.680, Line 7, by deleting "7,247,497" and inserting "7,650,135"; and

Further amend said bill, Page 35, Section 10.730, Line 7, by deleting "9,021,984" and inserting "9,523,206"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Storch, **House Amendment No. 8** was adopted.

**HCS HB 2010, as amended**, was laid over.

**HCS HB 2011, as amended**, was again taken up by Representative Icet.

Representative Schupp offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 2011, Page 18, Section 11.430, Line 14, by deleting "116,717,928" and inserting "116,517,928"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Schupp, **House Amendment No. 8** was adopted by the following vote:

AYES: 086

Atkins	Aull	Biermann	Bivins	Bringer
Brown 30	Bruns	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Curls	Dethrow	Dixon	Dusenberg	Emery
Englund	Fallert	Fischer 107	Frame	Franz
Grill	Grisamore	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Jones 117	Kander	Kelly	Kirkton	Komo
Kratky	Kraus	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Newman	Nolte
Norr	Oxford	Pace	Pratt	Quinn
Roorda	Rucker	Sander	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Sutherland	Swinger	Talboy	Thomson
Todd	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

NOES: 068

Allen	Ayres	Brandom	Brown 149	Burlison
Cox	Cunningham	Davis	Day	Deeken
Denison	Dieckhaus	Diehl	Dugger	Ervin
Faith	Fisher 125	Flanigan	Flook	Funderburk
Gatschenberger	Guernsey	Guest	Hoskins 121	Icet
Jones 89	Keeney	Kingery	Koenig	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Parkinson	Parson	Pollock	Riddle	Ruestman
Ruzicka	Salva	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Tilley	Tracy
Viebrock	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Calloway	Dougherty	Kuessner	Low
Spreng	Stevenson	Vogt		

VACANCIES: 001

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2010, as amended**, was again taken up by Representative Icet.

Representative Schupp offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 2010, Page 30, Section 10.645, Line 5, by deleting "9,071,669" and inserting "9,271,669"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Schupp, **House Amendment No. 9** was adopted by the following vote:

AYES: 107

Atkins	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cunningham	Curls	Deeken
Denison	Dieckhaus	Diehl	Dixon	Englund
Fallert	Fischer 107	Frame	Franz	Funderburk
Grill	Grisamore	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Kelly	Kingery
Kirkton	Komo	Kratky	Lair	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Munzlinger	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parson	Pratt	Quinn	Roorda
Rucker	Salva	Sander	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 150	Spreng	Still
Storch	Stream	Swinger	Talboy	Thomson
Tilley	Todd	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

NOES: 046

Allen	Ayres	Burlison	Cox	Davis
Day	Dethrow	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Gatschenberger	Guernsey	Guest	Keeney	Koenig
Kraus	Leara	McGhee	McNary	Molendorp
Nance	Parkinson	Pollock	Riddle	Ruestman
Ruzicka	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Smith 14	Sutherland	Viebrock	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Dougherty	Hobbs	Hughes
Kuessner	Stevenson	Tracy	Vogt	

VACANCIES: 001

**HCS HB 2010, as amended**, was laid over.

**HCS HB 2011, as amended**, was again taken up by Representative Icet.

**HCS HB 2011, as amended**, was laid over.

**HCS HB 2012, as amended**, was taken up by Representative Icet.

Representative Silvey offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2012, Page 1, Section 12.005, Line 2, by deleting “1,986,741 and inserting “1,820,241”; and

Further amend said bill, Page 2, Section 12.035, Line 3, by deleting “9,283,912” and inserting “9,273,562; and

Further amend said bill, Page 5, Section 12.145, Line 3, by deleting “6,518,762” and inserting “6,484,866”; and

Further amend said bill, Page 5, Section 12.150, Line 3, by deleting “1,847,089” and inserting “1,836,413”; and

Further amend said bill, Page 7, Section 12.195, Line 3, by deleting “12,700,678” and inserting “12,602,304”; and

Further amend said bill by adjusting the sections and bill totals accordingly.

On motion of Representative Silvey, **House Amendment No. 2** was adopted by the following vote:

AYES: 109

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Carter	Cox	Cunningham	Davis	Day
Deeken	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	Lipke	Loehner	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Scavuzzo	Schaaf
Schad	Schieffer	Schoeller	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Tracy	Viebrock	Walsh	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Zimmerman	Mr Speaker	

NOES: 041

Atkins	Aull	Burnett	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
LeBlanc	LeVota	Liese	Low	McDonald
Morris	Newman	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Sater	Schlottach
Schoemehl	Schupp	Spreng	Talboy	Todd
Wallace	Walton Gray	Webb	Whitehead	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Calloway	Cooper	Denison	Diehl
Funderburk	Kuessner	McClanahan	Sander	Scharnhorst
Stevenson	Vogt			

VACANCIES: 001

### Representative Pratt offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2012, Page 1, Section 12.005, Line 3, by deleting "142,628" and inserting "97,628"; and

Further amend said bill by amending the section and bill totals accordingly.

On motion of Representative Pratt, **House Amendment No. 3** was adopted by the following vote:

AYES: 109

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Carter	Cooper	Cox	Cunningham
Davis	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Komo	Kraus	Lair	Lampe
Largent	Leara	Loehner	Low	McGhee
McNary	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Storch	Stream	Sutherland	Swinger

Thomson	Tilley	Viebrock	Wallace	Walsh
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 042

Atkins	Burnett	Casey	Chappelle-Nadal	Colona
Corcoran	Curls	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Kratky	LeBlanc	LeVota	Liese	Lipke
McClanahan	McDonald	McNeil	Morris	Newman
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Schlottach	Schupp	Still	Talboy
Todd	Walton Gray	Webb	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Calloway	Conway	Denison	Funderburk
Kuessner	Parkinson	Sander	Stevenson	Tracy
Vogt				

VACANCIES: 001

### Representative Bringer offered **House Amendment No. 4.**

#### *House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 2012, Page 15, Section 12.505, Line 6, by deleting "11,202,028" and inserting "10,702,028"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Bringer, **House Amendment No. 4** was adopted by the following vote:

AYES: 129

Allen	Atkins	Aull	Ayres	Biermann
Brandom	Bringer	Brown 30	Brown 149	Burlison
Burnett	Carter	Casey	Corcoran	Cox
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Grill	Grisamore	Guest	Harris	Hodges
Holsman	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr

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Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Still	Storch
Stream	Swinger	Talboy	Thomson	Tilley
Tracy	Wallace	Walsh	Walton Gray	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 023

Bivins	Bruns	Colona	Cooper	Cunningham
Flanigan	Funderburk	Gatschenberger	Guernsey	Hobbs
Hoskins 80	Hughes	Jones 63	McDonald	Morris
Quinn	Spreng	Sutherland	Todd	Viebrock
Webb	Whitehead	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 50	Calloway	Chappelle-Nadal	Conway	Denison
Dougherty	Sander	Stevenson	Vogt	Wasson

VACANCIES: 001

**Representative Kander offered House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 2012, Page 2, Section 12.030, by deleting said section in its entirety; and

Further amend said bill by amending the bill totals accordingly.

**Representative Kander moved that House Amendment No. 5 be adopted.**

**Which motion was defeated by the following vote:**

AYES: 071

Atkins	Biermann	Bringer	Burnett	Carter
Chappelle-Nadal	Colona	Cooper	Corcoran	Curls
Dougherty	Emery	Englund	Ervin	Fischer 107
Flook	Grill	Guernsey	Harris	Hodges
Holsman	Hughes	Hummel	Icet	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kraus	Kuessner	Lampe	LeBlanc	LeVota
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Molendorp	Nasheed	Newman	Norr
Oxford	Pace	Parkinson	Pratt	Roorda
Rucker	Scavuzzo	Schad	Schieffer	Schoemehl
Schupp	Skaggs	Smith 150	Stevenson	Still
Storch	Sutherland	Swinger	Talboy	Walsh



Walton Gray	Webber	Whitehead	Witte	Yaeger
Zimmerman				

NOES: 082

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Casey
Conway	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Faith	Fisher 125
Flanigan	Frame	Funderburk	Gatschenberger	Grisamore
Guest	Hobbs	Hoskins 80	Hoskins 121	Jones 89
Jones 117	Keeney	Kingery	Lair	Largent
Leara	Liese	Lipke	McGhee	McNary
Morris	Munzlinger	Nance	Nieves	Nolte
Parson	Pollock	Quinn	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Stream	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Fallert	Franz	Koenig
Loehner	Scharnhorst	Spreng	Vogt	

VACANCIES: 001

**HCS HB 2012, as amended**, was laid over.

On motion of Representative Tilley, the House recessed until 2:15 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

### PERFECTION OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 2012, as amended**, was again taken up by Representative Icet.

Representative Schupp offered **House Amendment No. 6**.

#### *House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 2012, Page 2, Section 12.030, Line 1, by deleting said section in its entirety; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Schupp moved that **House Amendment No. 6** be adopted.

## Which motion was defeated by the following vote:

AYES: 057

Atkins	Bringer	Burnett	Carter	Corcoran
Curls	Dougherty	Emery	Englund	Ervin
Fallert	Fischer 107	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Icet	Jones 63
Kander	Kelly	Kirkton	Kuessner	Lampe
LeVota	Low	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Pratt
Quinn	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Sutherland
Swinger	Talboy	Thomson	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

NOES: 089

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Faith	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Jones 89	Jones 117	Keeney	Kingery
Koenig	Komo	Kratky	Kraus	Lair
Largent	Leara	Liese	Lipke	Loehner
McGhee	McNary	Meadows	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Riddle	Ruestman	Ruzicka
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Tilley	Tracy
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 016

Brown 50	Calloway	Chappelle-Nadal	Colona	Cooper
Davis	Hughes	LeBlanc	McClanahan	Meiners
Roorda	Schlottach	Spreng	Storch	Viebrock
Vogt				

VACANCIES: 001

Representative Skaggs offered **House Amendment No. 7.***House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 2012, Page 15, Section 12.505, Line 5, by deleting "1,566,554" and inserting "1,175,354"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Skaggs, **House Amendment No. 7** was adopted by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Lipke	Low	McClanahan	McGhee	McNary
McNeil	Meadows	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Oxford
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Tracy	Wallace	Walsh	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 022

Bivins	Cunningham	Fallert	Guest	Hoskins 80
Hughes	Jones 63	Liese	Loehner	McDonald
Morris	Norr	Pace	Quinn	Ruestman
Ruzicka	Scharnhorst	Schupp	Spreng	Todd
Viebrock	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Cooper	LeBlanc	Meiners
Roorda	Vogt			

VACANCIES: 001

Representative Kander offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 2012, Page 2, Section 12.030, by deleting said section in its entirety; and

Further amend said bill by amending the bill totals accordingly.

Representative Kander moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Kander offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 2012, Page 2, Section 12.030, by deleting said section in its entirety.

Further amend said bill by amending the bill totals accordingly.

Representative Kander moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 053

Atkins	Bringer	Burnett	Carter	Chappelle-Nadal
Colona	Corcoran	Curls	Davis	Englund
Ervin	Fallert	Flook	Grill	Hodges
Hummel	Ice	Jones 63	Kander	Kelly
Kirkton	Kuessner	Lampe	LeVota	Low
McClanahan	McNeil	Meiners	Molendorp	Morris
Nasheed	Newman	Oxford	Pace	Pratt
Quinn	Scavuzzo	Schieffer	Schoemehl	Schupp
Skaggs	Stevenson	Still	Sutherland	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Witte	Zimmerman		

NOES: 102

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Faith	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hoskins 80
Hoskins 121	Hughes	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kratky	Kraus
Lair	Largent	Leara	Liese	Lipke
Loehner	McGhee	McNary	Meadows	Munzlinger
Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf

Schad	Scharnhorst	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Storch	Stream	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Holsman	LeBlanc	McDonald
Roorda	Vogt			

VACANCIES: 001

**HCS HB 2012, as amended**, was laid over.

**HCS HB 2013** was taken up by Representative Icet.

**HCS HB 2013** was laid over.

**HCS HB 2001** was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2001** was adopted.

On motion of Representative Icet, **HCS HB 2001** was ordered perfected and printed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hummel
Iceet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs

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Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 005

Burnett	LeVota	Spreng	Vogt	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Cooper	Holsman	Hughes
LeBlanc	Roorda			

VACANCIES: 001

**HCS HB 2002, as amended**, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2002, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2002, as amended**, was ordered perfected and printed by the following vote:

AYES: 092

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Colona	Conway
Cooper	Cox	Cunningham	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dougherty
Dugger	Emery	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 63	Jones 89	Jones 117	Kelly
Kingery	Koenig	Komo	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Storch	Stream	Sutherland	Thomson
Tilley	Viebrock	Wallace	Wasson	Webb
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Zerr	Mr Speaker			

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Davis	Dixon	Dusenberg	Englund	Ervin
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Kander

Keeney	Kirkton	Kratky	Kraus	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Newman	Norr
Oxford	Pace	Pratt	Quinn	Rucker
Scavuzzo	Schaaf	Schoemehl	Schupp	Shively
Skaggs	Spreng	Stevenson	Still	Swinger
Talboy	Todd	Tracy	Walsh	Walton Gray
Webber	Witte	Wright	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Calloway	LeBlanc	Roorda	Vogt
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VACANCIES: 001

**HCS HB 2003, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2003, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2003, as amended**, was ordered perfected and printed by the following vote:

AYES: 110

Allen	Atkins	Ayres	Bivins	Brandom
Bringer	Brown 149	Bruns	Burlison	Carter
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Faith	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Harris
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Lair	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Pace	Parkinson
Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 046

Aull	Biermann	Brown 30	Burnett	Casey
Corcoran	Davis	Englund	Ervin	Fallert
Frame	Grill	Hodges	Holsman	Hummel
Kander	Kirkton	Komo	Kratky	Kraus
Kuessner	Lampe	LeVota	Low	McDonald

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McGhee	Meadows	Newman	Norr	Oxford
Quinn	Scavuzzo	Schaaf	Schoemehl	Schupp
Shively	Skaggs	Spreng	Stevenson	Swinger
Talboy	Todd	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Calloway	Hughes	LeBlanc	Roorda
Vogt				

VACANCIES: 001

**HCS HB 2004, as amended**, was taken up by Representative Ictet.

On motion of Representative Ictet, **HCS HB 2004, as amended**, was adopted.

On motion of Representative Ictet, **HCS HB 2004, as amended**, was ordered perfected and printed by the following vote:

AYES: 101

Allen	Atkins	Ayres	Bivins	Brandom
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hoskins 80
Hoskins 121	Ictet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Lair
Largent	Leara	Lipke	Loehner	McNary
Meiners	Molendorp	Morris	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 057

Aull	Biermann	Bringer	Brown 30	Burnett
Casey	Corcoran	Curls	Davis	Englund
Ervin	Fallert	Frame	Grill	Hodges
Holsman	Hughes	Hummel	Kander	Kirkton
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McGhee	McNeil	Meadows	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Scavuzzo



Schaaf	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Stevenson	Swinger	Talboy
Todd	Vogt	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50	Calloway	LeBlanc	Roorda
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VACANCIES: 001

**HCS HB 2005, as amended**, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2005, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2005, as amended**, was ordered perfected and printed by the following vote:

AYES: 100

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hoskins 80
Hoskins 121	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Lair
Largent	Leara	Liese	Lipke	Loehner
Meiners	Molendorp	Morris	Munzlinger	Nance
Nieves	Nolte	Pace	Parkinson	Parson
Pollock	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Walton Gray	Wasson	Webb	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Zerr	Mr Speaker

NOES: 055

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Corcoran	Davis	Dusenberg	Englund
Ervin	Fallert	Frame	Grill	Hodges
Holsman	Hughes	Hummel	Kander	Kirkton
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Nasheed	Newman	Norr
Oxford	Pratt	Quinn	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Shively	Skaggs

Stevenson	Swinger	Talboy	Todd	Vogt
Walsh	Webber	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	LeBlanc	McNary	Riddle
Roorda	Wright			

VACANCIES: 001

**HCS HB 2006, as amended**, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2006, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2006, as amended**, was ordered perfected and printed by the following vote:

AYES: 102

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Emery	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hoskins 80
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Lair
Largent	Leara	Liese	Lipke	Loehner
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Walton Gray	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 052

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Corcoran	Davis	Englund	Ervin
Fallert	Frame	Grill	Hodges	Holsman
Hummel	Kander	Kirkton	Kratky	Kraus
Kuessner	Lampe	LeVota	Low	McClanahan
McDonald	McGhee	McNeil	Meadows	Norr
Oxford	Pace	Quinn	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Stevenson	Swinger	Talboy	Todd

Vogt	Walsh	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Calloway	Dugger	Hoskins 121	Hughes
LeBlanc	Newman	Roorda		

VACANCIES: 001

**HCS HB 2007, as amended**, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2007, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2007, as amended**, was ordered perfected and printed by the following vote:

AYES: 105

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Lair
Largent	Leara	Liese	Lipke	Loehner
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Pace
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 053

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Corcoran	Davis	Englund
Ervin	Fallert	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Kander
Kirkton	Kratky	Kraus	Kuessner	Lampe
LeVota	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Newman	Norr	Oxford
Quinn	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Stevenson	Swinger

Talboy	Todd	Vogt	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50	Calloway	LeBlanc	Roorda
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VACANCIES: 001

**HCS HB 2008, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2008, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2008, as amended**, was ordered perfected and printed by the following vote:

AYES: 103

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Colona
Conway	Cooper	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Lair	Largent
Leara	Lipke	Loehner	McClanahan	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schoeller	Self	Silvey
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Tracy
Viebrock	Wallace	Walton Gray	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 050

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Chappelle-Nadal	Corcoran	Davis	Englund
Ervin	Fallert	Frame	Grill	Hodges
Holsman	Hughes	Hummel	Kander	Kirkton
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Low	McDonald	McGhee	Meadows
Newman	Norr	Oxford	Quinn	Scavuzzo
Schaaf	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Stevenson	Talboy	Todd
Vogt	Webber	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Curls	LeBlanc	Liese
Pace	Roorda	Schlottach	Walsh	

VACANCIES: 001

**HCS HB 2009, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2009, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2009, as amended**, was ordered perfected and printed by the following vote:

AYES: 102

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Faith	Fischer 107	Fisher 125	Flanigan
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Komo	Lair	Largent
Leara	Lipke	Loehner	McClanahan	McNary
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Schupp	Self
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Walton Gray	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 052

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Corcoran	Davis	Englund	Ervin
Fallert	Frame	Grill	Hodges	Holsman
Hughes	Hummel	Jones 63	Kander	Kirkton
Kratky	Kraus	Kuessner	Lampe	LeVota
Liese	Low	McDonald	McGhee	Meadows
Newman	Norr	Oxford	Quinn	Scavuzzo
Schaaf	Schieffer	Schoemehl	Shively	Skaggs
Spreng	Stevenson	Swinger	Talboy	Todd
Vogt	Walsh	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Calloway	Dusenberg	Flook	LeBlanc
McNeil	Pace	Roorda		

VACANCIES: 001

**HCS HB 2010, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2010, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2010, as amended**, was ordered perfected and printed by the following vote:

AYES: 093

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Colona	Conway
Cooper	Cox	Cunningham	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 63	Jones 117
Keeney	Kelly	Kingery	Koenig	Lair
Largent	Leara	Lipke	Loehner	McNary
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Pace	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Walton Gray	Wasson
Webb	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Davis	Englund	Ervin	Fallert	Frame
Grill	Grisamore	Harris	Hodges	Holsman
Hughes	Hummel	Jones 89	Kander	Kirkton
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McGhee	McNeil	Meadows	Meiners	Nasheed
Newman	Norr	Oxford	Quinn	Scavuzzo
Schaaf	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Stevenson	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50                      Calloway                      LeBlanc                      Roorda

VACANCIES: 001

**HCS HB 2011, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2011, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2011, as amended**, was ordered perfected and printed by the following vote:

AYES: 091

Allen	Ayres	Brandom	Bringer	Brown 149
Bruns	Burlison	Colona	Cooper	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 63	Jones 117	Keeney	Kelly
Kingery	Koenig	Lair	Largent	Leara
Liese	Lipke	Loehner	McNary	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Walton Gray	Wasson	Webb	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 066

Atkins	Aull	Biermann	Brown 30	Burnett
Carter	Casey	Chappelle-Nadal	Conway	Corcoran
Curls	Davis	Englund	Ervin	Fallert
Frame	Grill	Grisamore	Harris	Hodges
Holsman	Hughes	Hummel	Jones 89	Kander
Kirkton	Komo	Kratky	Kraus	Kuessner
Lampe	LeVota	Low	McClanahan	McDonald
McGhee	McNeil	Meadows	Meiners	Nasheed
Newman	Norr	Oxford	Quinn	Rucker
Scavuzzo	Schaaf	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Stevenson	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 005

Bivins                      Brown 50                      Calloway                      LeBlanc                      Roorda

VACANCIES: 001

**HCS HB 2012, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2012, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2012, as amended**, was ordered perfected and printed by the following vote:

AYES: 105

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Conway	Cooper	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Kratky	Lair	Largent
Leara	Lipke	Loehner	McClanahan	McNary
McNeil	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Silvey	Skaggs	Smith 14	Smith 150
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Webb	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 051

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Colona	Corcoran	Curls	Davis
Englund	Ervin	Fallert	Frame	Grill
Hodges	Holsman	Hughes	Hummel	Jones 63
Kander	Kirkton	Komo	Kraus	Kuessner
Lampe	LeVota	Low	McGhee	Meadows
Morris	Newman	Norr	Oxford	Pace
Scavuzzo	Schaaf	Schoemehl	Schupp	Shively
Spreng	Stevenson	Talboy	Todd	Vogt
Walsh	Walton Gray	Webber	Whitehead	Yaeger
Zimmerman				

PRESENT: 000



ABSENT WITH LEAVE: 006

Brown 50	Calloway	LeBlanc	Liese	McDonald
Roorda				

VACANCIES: 001

**HCS HB 2013, as amended**, was again taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2013, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2013, as amended**, was ordered perfected and printed by the following vote:

AYES: 116

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Faith	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Lair	Largent	Leara	Liese	Lipke
Loehner	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 037

Biermann	Brown 30	Burnett	Casey	Corcoran
Davis	Englund	Ervin	Fallert	Holsman
Hummel	Jones 63	Kander	Kirkton	Kraus
Lampe	LeVota	Low	McDonald	McGhee
Meadows	Newman	Norr	Oxford	Pace
Schaaf	Schoemehl	Schupp	Shively	Skaggs
Spreng	Stevenson	Talboy	Vogt	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Carter	Hughes	Kuessner
LeBlanc	McClanahan	Roorda	Walsh	

VACANCIES: 001

**THIRD READING OF HOUSE BILLS**

**HCS HB 1207**, relating to the classification of sawmills, was taken up by Representative Day.

On motion of Representative Day, **HCS HB 1207** was read the third time and passed by the following vote:

AYES: 139

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grill	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 016

Atkins	Bringer	Burnett	Franz	Hughes
Kirkton	Newman	Oxford	Schieffer	Schupp
Spreng	Still	Vogt	Webb	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Fisher 125	Grisamore	LeBlanc
Nasheed	Roorda			

VACANCIES: 001

Speaker Richard declared the bill passed.

Representative Hobbs assumed the Chair.

**HCS HB 1446**, relating to financial transactions, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HCS HB 1446** was read the third time and passed by the following vote:

AYES: 093

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fischer 107	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Kuessner	Lair	Largent	Leara	Liese
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 062

Atkins	Aull	Biermann	Bringer	Burnett
Carter	Casey	Chappelle-Nadal	Conway	Corcoran
Curls	Dougherty	Englund	Fallert	Flook
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Lampe
LeVota	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Nasheed	Newman
Norr	Oxford	Pace	Rucker	Salva
Scavuzzo	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Talboy	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Colona	Cooper	Grisamore
LeBlanc	Roorda			

VACANCIES: 001

Representative Hobbs declared the bill passed.

**HB 1842**, relating to adoption of tax measures, was taken up by Representative Wilson (130).

On motion of Representative Wilson (130), **HB 1842** was read the third time and passed by the following vote:

AYES: 121

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 149	Bruns	Burlison	Casey
Chappelle-Nadal	Conway	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Emery	Ervin	Faith	Fischer 107
Fisher 125	Flanigan	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Harris	Hobbs	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Kratky	Kraus	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McNary	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 031

Atkins	Biermann	Brown 30	Burnett	Carter
Dusenberg	Englund	Fallert	Flook	Frame
Grill	Hodges	Holsman	Hughes	Kirkton
Komo	Kuessner	LeVota	Low	McDonald
McNeil	Newman	Norr	Salva	Schoemehl
Schupp	Skaggs	Spreng	Talboy	Vogt
Yaeger				

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Colona	Cooper	Grisamore
LeBlanc	McGhee	Roorda	Tracy	

VACANCIES: 001

Representative Hobbs declared the bill passed.

**HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811**, relating to the justice system, was taken up by Representative Stevenson.

On motion of Representative Stevenson, **HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811** was read the third time and passed by the following vote:

AYES: 130

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Burnett	Casey	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 121	Hummel
Icet	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Norr
Oxford	Parkinson	Parson	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Seavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 021

Atkins	Carter	Chappelle-Nadal	Corcoran	Hoskins 80
Hughes	Jones 63	Kirkton	Liese	Lipke
Morris	Nasheed	Newman	Pace	Schupp
Still	Walton Gray	Webb	Whitehead	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 30	Brown 50	Calloway	Colona	Grisamore
Jones 89	LeBlanc	McGhee	Pollock	Roorda
Vogt				

VACANCIES: 001

Representative Hobbs declared the bill passed.

### THIRD READING OF HOUSE JOINT RESOLUTION

**HCS HJR 87**, relating to limits on state appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HJR 87** was read the third time and passed by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Thomson	Tilley	Tracy
Viebrock	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 069

Atkins	Aull	Biermann	Bringer	Burnett
Carter	Casey	Chappelle-Nadal	Conway	Cooper
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Jones 63	Kander
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Molendorp	Morris
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Sutherland	Swinger	Talboy	Todd

Wallace	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Colona	Grisamore	Hughes
LeBlanc	Roorda	Spreng	Vogt	

VACANCIES: 001

Representative Hobbs declared the bill passed.

### **PERFECTION OF HOUSE BILL - REVISION**

**HCS HB 1516**, relating to the repeal of expired statutes, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HCS HB 1516** was adopted.

On motion of Representative Smith (150), **HCS HB 1516** was ordered perfected and printed.

Speaker Pro Tem Pratt assumed the Chair.

### **COMMITTEE REPORTS**

**Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 2070**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1524** and **HB 2260**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Emerging Issues in Animal Agriculture**, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was referred **HB 2225**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HJR 62**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HJR 63**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HJR 78**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 2081**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### **ADVANCEMENT OF HOUSE CONSENT BILLS**

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 2111, HCS HB 1831, HCS HB 1290, HB 1802, HB 2159, HB 1941, HB 1664, HB 1662, HCS HB 1580, HCS HB 1841, HB 1904, HCS HB 1970, HCS HB 1943, HB 1824, HB 1705, HB 1595, HCS HB 1541, HB 1424, HCS HB 1375, HB 1270, HB 1643, HCS HB 1707, HB 1892, HCS HB 2161, HB 1330, HCS HB 1310, HB 1778, HCS HB 1858 and HB 1392.**

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 75**, introduced by Representative Franz, relating to the recognition of the Saponi Indian people of Missouri.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2374**, introduced by Representative Jones (89), relating to child support.

**HB 2375**, introduced by Representative Funderburk, relating to plumbing codes.

**HB 2376**, introduced by Representative Holsman, relating to the preschool plus program.



**HB 2377**, introduced by Representative Storch, relating to public holidays.

**HB 2378**, introduced by Representatives Meadows, Roorda and Casey, relating to county probation services.

**HB 2379**, introduced by Representatives Carter, Biermann, Jones (63), Walton Gray, Chappelle-Nadal, Oxford and LeBlanc, relating to the Missouri 4 For More Program.

**HB 2380**, introduced by Representatives Hughes, Holsman, Low, Curls, LeBlanc, Silvey, LeVota, Burnett, Dougherty, McDonald, Talboy, Meiners and Brown (50), relating to sales tax exemptions.

**HB 2381**, introduced by Representative Cunningham, relating to an income tax deduction for interest earned on certain loans.

**HB 2382**, introduced by Representatives Bivins, Sater, Cunningham and Cooper, relating to use of poisonous or deleterious substances in food.

**HB 2383**, introduced by Representative Leara, relating to distribution of local sales taxes.

**HB 2384**, introduced by Representatives Tracy, Brown (149), Schaaf, Stream, Schoeller, Denison, Zerr, Leara, Hoskins (121), Gatschenberger, McGhee, Sander, Dieckhaus, Tilley, Wells, McNary, Dugger, Dusenberg, Allen, Dethrow, Pratt, Flanigan, Harris, Fischer (107), Dougherty, Hodges, McDonald, Kratky, Roorda, Richard, Lipke and Stevenson, relating to embryo transfer.

### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 33**.

#### **SENATE CONCURRENT RESOLUTION NO. 33**

WHEREAS, a strong national economy and the financial well-being of millions of citizens in Missouri and across America are dependent upon the continued financial vitality of our small businesses and family farms; and

WHEREAS, the economic viability of our small businesses and family farms is directly tied to the ability of our state and the nation's community depository financial institutions to provide needed credit and to permit their borrowers to restructure existing debt in a responsible and reasonable manner; and

WHEREAS, problems which now pervade our economy but are expected to be transitory in nature have placed severe financial pressure on a number of small businesses and family farms and have, in turn, resulted in escalating levels of loan defaults and depressed property values; and

WHEREAS, these economic difficulties combined with a harsher examination environment and increases in required capitalization levels by regulators have made it extremely difficult, and often impossible, for community depository institutions to maintain their capital at levels currently mandated by their regulators without severely limiting the ability of many of these community depository institutions to continue to make the same levels of credit available as prior to this period of economic distress; and

WHEREAS, the foregoing have had and are continuing to have spiraling downward effects on the ability of many small businesses and family farms to remain viable employers and strong components of our state's and the nation's economies; and

WHEREAS, under difficult economic conditions which occurred in the late 1980's, federal and state agencies that regulate community depository institutions developed appropriate capital forbearance, trouble debt restructuring accounting practices, and other policies to assist those institutions that were well-managed; and

WHEREAS, these measures were undertaken to ensure that these community depository institutions remained viable sources of financial strength for their communities and to assist them in providing borrowers reasonable and responsible allocations of credit so as to enable deserving borrowers to weather temporary economic pressures, maintain access to reliable sources of credit, and remain as important sources of employment and economic strength, and

WHEREAS, members of Congress are increasingly recognizing the need for regulatory forbearance to support community depository institution lending throughout our country, as well as to support the small business and family farm customers of community depository institutions. To date, this recognition has been in the form of numerous Congressional hearings and meetings with community depository institutions and their federal depository institution regulators, as well as in the form of the recent House Resolution introduced by Representative Coffman (CO-R); and originally co-sponsored by Representatives Perlmutter (CO-D) and Luetkemeyer (MO-R); the letter to the federal depository institution regulators from Representatives Frank (MA-D) and Minnick (ID-D); and the letter to the federal depository institution regulators from Representative Skelton (MO-D) all calling for regulatory forbearance, temperance, and measured oversight of community depository institutions so as to not unduly restrict access to credit:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby encourage the Congress of the United States to urge the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and all other agencies, state and federal, that regulate the conduct and affairs of community depository institutions, to develop appropriate policies that will:

(1) Permit well-managed community depository institutions to temporarily maintain capital at levels less than that currently required, conditioned upon the submission and regulatory approval of an appropriate plan to restore capital levels by a date certain as determined by the appropriate agencies; and

(2) Permit well-managed community depository institutions to temporarily account for troubled debt restructuring in a manner which allows a loan to continue to be carried on the institution's books without loss recognition if the loan is formally restructured in a manner so that it is probable that the borrower can repay the loan under the new terms and that the total future cash payments at least equal the loan amount on the institution's books; and

(3) Ensure that field examiners are not inappropriately classifying loans based on judgments about, or relationship of, various types of loans, to currently stressed sectors of the economy apart from the ability of the loans to show likelihood of repayment based on positive cash flows, ample amounts of collateral, and other mitigating factors; and

(4) Include such additional temporary accommodations for well-managed community depository institutions as the agencies determine are appropriate, including regulatory forbearance similar to that provided in the 1980's, to assist those institutions in remaining vital sources of financial strength for their communities, while maintaining needed standards to assure the continued financial integrity of those institutions and communities.

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and the members of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, March 25, 2010.

**CORRECTION TO THE HOUSE JOURNAL**

**AFFIDAVIT**

I, State Representative Ed Schieffer, District 11, hereby state and affirm that my vote as recorded on Page 591 of the Journal of the House for Tuesday, March 23, 2010 that House Amendment No. 1 to House Committee Substitute for House Bill No. 2002 be adopted was incorrectly recorded as aye. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 24th day of March 2010.

/s/ Ed Schieffer  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 24th day of March in the year 2010.

/s/ Patricia G. Pleus  
Notary Public

**COMMITTEE MEETINGS**

**AGRICULTURE POLICY**

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 6.  
Presentation by Farm Credit Services.  
Work session on omnibus bill.

**ENERGY AND ENVIRONMENT**

Thursday, March 25, 2010, 9:00 a.m. Side Gallery.  
Executive session.

**FISCAL REVIEW**

Thursday, March 25, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

**FISCAL REVIEW**

Wednesday, March 31, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

**FISCAL REVIEW**

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 5.

Review of memorial bridge or highway designation; review of Heroes Way interchange designation and any other matters pending before the Joint Committee.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 29, 2010, Hearing Room 5 upon afternoon adjournment.

Executive session will be held on: HB 1850

TOURISM

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HCR 37

TRANSPORTATION

Thursday, March 25, 2010, 8:00 a.m. Hearing Room 5.

Executive session.

TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

WAYS AND MEANS

Thursday, March 25, 2010, 9:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 2040, HB 2301

**HOUSE CALENDAR**

FORTY-SECOND DAY, THURSDAY, MARCH 25, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 75

**HOUSE BILLS FOR SECOND READING**

HB 2374 through HB 2384

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HJR 88 - Nieves

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1747 - Viebrock
- 4 HB 2294 - Dugger
- 5 HB 1372 - Parson
- 6 HB 1494 - Schaaf
- 7 HCS HB 1601 - Nasheed
- 8 HCS HB 1965 - McNary
- 9 HCS HB 1893 - Kelly
- 10 HCS HB 2026 - Hobbs
- 11 HCS HB 1787 - Jones (117)
- 12 HB 1254 - Wilson (119)
- 13 HCS HB 1806 - Franz
- 14 HB 2220 - Dugger

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/23/2010)

- 1 HB 1868 - Scharnhorst
- 2 HB 1942 - Parson
- 3 HB 2056 - Diehl
- 4 HB 1609 - Diehl
- 5 HCS HB 1764 - Diehl
- 6 HCS HB 1977 - Wasson
- 7 HB 2109 - Ruzicka
- 8 HB 2114 - Hoskins (121)
- 9 HCS HBs 2147 & 2261 - Brown (149)

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- 10     HB 2182 - Munzlinger
- 11     HB 2205 - Burlison
- 12     HB 2226 - Wasson
- 13     HCS HB 2231 - Wasson
- 14     HB 2290 - Wasson
- 15     HB 2270 - Cooper
- 16     HB 2285 - Thomson
- 17     HCS HB 2297 - Molendorp
- 18     HB 1990 - Wells
- 19     HB 1832 - Wells
- 20     HCS HB 2219 - LeBlanc
- 21     HCS HB 2043 - Brown (30)
- 22     HB 1654 - Zimmerman
- 23     HB 1538 - Dusenberg
- 24     HCS HB 1271 - Brown (30)

(3/24/2010)

- 1     HCS HB 1898 - Zerr
- 2     HB 2317 - Tracy
- 3     HCS HB 1848 - Holsman
- 4     HB 1640 - Roorda
- 5     HB 1894 - Bringer

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

- 1     HCS HB 2001 - Icet
- 2     HCS HB 2002 - Icet
- 3     HCS HB 2003 - Icet
- 4     HCS HB 2004 - Icet
- 5     HCS HB 2005 - Icet
- 6     HCS HB 2006 - Icet
- 7     HCS HB 2007 - Icet
- 8     HCS HB 2008 - Icet
- 9     HCS HB 2009 - Icet
- 10    HCS HB 2010 - Icet
- 11    HCS HB 2011 - Icet
- 12    HCS HB 2012 - Icet
- 13    HCS HB 2013 - Icet

**HOUSE BILLS FOR THIRD READING**

- 1     HCS HBs 1327 & 2000, (Fiscal Review 3-23-10) - Pratt
- 2     HCS HB 2198 - Parson

**HOUSE BILLS FOR THIRD READING - REVISION**

HCS HB 1516 - Smith (150)

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 2111 - Faith
- 2 HCS HB 1831 - Jones (117)
- 3 HCS HB 1290 - Gatschenberger
- 4 HB 1802 - Gatschenberger
- 5 HB 2159 - Diehl
- 6 HB 1941 - Parson
- 7 HB 1664 - Wasson
- 8 HB 1662 - Brown (149)
- 9 HCS HB 1580 - Smith (14)
- 10 HCS HB 1841 - Wilson (130)
- 11 HB 1904 - Wilson (130)
- 12 HCS HB 1970 - Bivins
- 13 HCS HB 1943 - McGhee
- 14 HB 1824 - Sutherland
- 15 HB 1705 - Molendorp
- 16 HB 1595 - Dugger
- 17 HCS HB 1541 - Ruzicka
- 18 HB 1424 - Franz
- 19 HCS HB 1375 - Cooper
- 20 HB 1270 - Meiners
- 21 HB 1643 - Brown (50)
- 22 HCS HB 1707, E.C. - Schaaf
- 23 HB 1892 - Nasheed
- 24 HCS HB 2161 - Guest
- 25 HB 1330 - Salva
- 26 HCS HB 1310 - Hodges
- 27 HB 1778 - Walton Gray
- 28 HCS HB 1858 - Zimmerman
- 29 HB 1392 - Kirkton

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-SECOND DAY, THURSDAY, MARCH 25, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Give thanks to the Lord for He is good; His mercy endures forever.

Almighty God, we thank You for inspiring us to care deeply about the well-being of others. You teach us that by serving them, we serve You. We thank You for all the people who deliver direct services to those in need, work hard and contribute so much to the lives of others.

We ask, for ourselves, the gifts of wisdom and right judgment, that we might do our part in distributing the resources of our State in justice and equity through a healthy budget.

We pray that after this day's work we might receive the blessing of a restful weekend, strengthening us to continue the work of this body in the coming week.

To You be honor and thanksgiving forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Anneka Lewis, Jeremiah Parker, Rebecca Sweaney, Taylor Sayre, Seth Faulkner, Chandler Trowbridge, Tanner Cobb and John Robert Young.

The Journal of the forty-first day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1387 through House Resolution No. 1420

## HOUSE CONCURRENT RESOLUTION

Representative Parkinson, et al., offered House Concurrent Resolution No. 76.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 75** was read the second time.



**SECOND READING OF HOUSE BILLS**

**HB 2374** through **HB 2384** were read the second time.

**COMMITTEE REPORT**

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1327 & 2000** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 2001**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2001** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 007

Burnett	Hughes	LeVota	Roorda	Talboy
Vogt	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Calloway	Grisamore	Keeney	LeBlanc
Sutherland				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2002**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2002** was read the third time and passed by the following vote:

AYES: 082

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Colona	Cooper
Cox	Cunningham	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dougherty	Dugger	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Guernsey	Guest	Hobbs	Hoskins 80
Hoskins 121	Iceť	Jones 63	Jones 117	Kelly
Kingery	Koenig	Komo	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parson
Riddle	Ruestman	Ruzicka	Sander	Sater
Schad	Scharnhorst	Schlottach	Self	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Thomson	Tilley	Viebrock	Wallace
Wasson	Weter	Whitehead	Wilson 119	Wright
Zerr	Mr Speaker			

NOES: 061

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Chappelle-Nadal	Conway	Corcoran
Curls	Dixon	Dusenberg	Englund	Ervin
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Hughes	Hummel	Kander	Keeney
Kirkton	Kratky	Kraus	Kuessner	Lampe
LeVota	Low	McClanahan	McDonald	McNeil
Meadows	Newman	Oxford	Pace	Quinn
Rucker	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Swinger	Talboy	Todd	Vogt	Walsh

Walton Gray	Webb	Webber	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 019

Brown 50	Calloway	Davis	Denison	Emery
Grisamore	Holsman	Jones 89	LeBlanc	Norr
Parkinson	Pollock	Pratt	Roorda	Salva
Schoeller	Tracy	Wells	Wilson 130	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2003**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2003** was read the third time and passed by the following vote:

AYES: 107

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Harris	Hobbs	Hoskins 80	Hoskins 121
Iceet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Kratky
Lair	Largent	Leara	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Pace	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 048

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Corcoran	Davis	Emery	Englund
Ervin	Fallert	Frame	Grill	Hodges
Holsman	Hughes	Hummel	Kander	Komo
Kraus	Kuessner	Lampe	LeVota	Liese
Low	Meadows	Norr	Oxford	Quinn
Roorda	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Swinger

Talboy	Todd	Vogt	Walsh	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 001

Newman

ABSENT WITH LEAVE: 006

Brown 50	Calloway	Grisamore	LeBlanc	Parkinson
Wallace				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2004**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2004** was read the third time and passed by the following vote:

AYES: 099

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Harris
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Komo	Lair	Largent	Leara
Liese	Lipke	Loehner	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Webb	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 056

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Corcoran	Davis	Dethrow
Emery	Englund	Ervin	Fallert	Frame
Grill	Hodges	Holsman	Hughes	Hummel
Kander	Kirkton	Kratky	Kraus	Kuessner
Lampe	LeVota	Low	McClanahan	McDonald
Meadows	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Swinger	Talboy	Todd	Vogt

Walsh	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Grisamore	LeBlanc	Nieves
Salva	Walton Gray			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2005**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2005** was read the third time and passed by the following vote:

AYES: 102

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Harris
Hobbs	Hoskins 80	Hoskins 121	Hughes	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Lair	Largent	Leara
Liese	Lipke	Loehner	McGhee	McNary
Meiners	Molendorp	Morris	Munzlinger	Nance
Nolte	Pace	Parkinson	Parson	Pollock
Riddle	Rucker	Ruestman	Ruzicka	Sander
Sater	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 052

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Corcoran	Davis	Dusenberg
Emery	Englund	Ervin	Frame	Grill
Hodges	Holsman	Hummel	Kander	Kirkton
Komo	Kratky	Kraus	Kuessner	Lampe
Low	McClanahan	McDonald	McNeil	Meadows
Nasheed	Newman	Norr	Oxford	Pratt
Quinn	Roorda	Scavuzzo	Schaaf	Schoemehl
Schupp	Shively	Skaggs	Spreng	Swinger

Talboy	Todd	Vogt	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Calloway	Fallert	Grisamore	LeBlanc
LeVota	Nieves	Salva		

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2006**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2006** was read the third time and passed by the following vote:

AYES: 096

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Carter	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Komo	Lair	Largent	Leara	Loehner
McGhee	McNary	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Walton Gray
Wells	Weter	Wilson 119	Wilson 130	Zerr
Mr Speaker				

NOES: 059

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Casey	Corcoran	Davis	Emery
Englund	Ervin	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hughes
Hummel	Kander	Kirkton	Kratky	Kraus
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Newman
Norr	Oxford	Pace	Quinn	Roorda
Scavuzzo	Schaaf	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Swinger	Talboy

Todd	Vogt	Walsh	Webber	Whitehead
Witte	Wright	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Grisamore	LeBlanc	Lipke
Wasson	Webb			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2007**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2007** was read the third time and passed by the following vote:

AYES: 109

Allen	Atkins	Ayres	Bivins	Brandom
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Guernsey	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Lair
Largent	Leara	Liese	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 048

Aull	Biermann	Bringer	Brown 30	Burnett
Casey	Corcoran	Davis	Emery	Englund
Ervin	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Kander
Kraus	Kuessner	Lampe	LeVota	Low
McClanahan	Meadows	Newman	Norr	Oxford
Quinn	Roorda	Scavuzzo	Schaaf	Schoemehl
Schupp	Shively	Skaggs	Spreng	Swinger

Talboy	Todd	Vogt	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Calloway	Grisamore	Hughes	LeBlanc
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VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2008**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2008** was read the third time and passed by the following vote:

AYES: 111

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 80	Hoskins 121	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Lair	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Webb	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 044

Biermann	Brown 30	Burnett	Corcoran	Davis
Emery	Englund	Ervin	Fallert	Frame
Grill	Holsman	Hummel	Kander	Kirkton
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Low	McNeil	Newman	Oxford
Pace	Quinn	Roorda	Scavuzzo	Schaaf
Schoemehl	Schupp	Shively	Skaggs	Spreng
Talboy	Todd	Vogt	Walsh	Walton Gray
Webber	Whitehead	Yaeger	Zimmerman	



PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Cooper	Cox	Grisamore
Hughes	LeBlanc			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2009**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2009** was read the third time and passed by the following vote:

AYES: 117

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Guest	Harris
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Lair	Largent
Leara	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schupp	Self	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 040

Biermann	Brown 30	Burnett	Davis	Emery
Englund	Ervin	Fallert	Frame	Grill
Guernsey	Hodges	Holsman	Hughes	Hummel
Kander	Kratky	Kraus	Kuessner	Lampe
LeVota	Low	Newman	Oxford	Roorda
Scavuzzo	Schaaf	Schoemehl	Shively	Skaggs
Spreng	Swinger	Talboy	Todd	Vogt
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Calloway	Grisamore	LeBlanc	Quinn
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VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2010**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2010** was read the third time and passed by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Colona	Conway	Cooper
Cox	Cunningham	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Guernsey	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 117	Keeney	Kelly	Kingery	Koenig
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Morris	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Carter	Casey	Chappelle-Nadal	Corcoran
Curles	Davis	Dougherty	Emery	Englund
Ervin	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hughes	Hummel
Jones 89	Kander	Kirkton	Komo	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Riddle	Roorda	Scavuzzo
Schaaf	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Calloway	Grisamore	LeBlanc	Sutherland
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VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2011**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2011** was read the third time and passed by the following vote:

AYES: 090

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 63	Jones 117
Keeney	Kelly	Kingery	Koenig	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Morris	Munzlinger	Nance
Nieves	Nolte	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Walton Gray	Wasson	Webb	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 068

Atkins	Aull	Biermann	Brown 30	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Davis	Emery	Englund
Ervin	Fallert	Fischer 107	Frame	Grill
Guernsey	Harris	Hodges	Holsman	Hughes
Hummel	Jones 89	Kander	Kirkton	Komo
Kratky	Kraus	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Nasheed	Newman	Norr
Oxford	Quinn	Roorda	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 50                      Calloway                      Grisamore                      LeBlanc

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2012**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2012** was read the third time and passed by the following vote:

AYES: 105

Allen	Ayres	Bivins	Brandom	Bringer
Brown 149	Bruns	Burlison	Carter	Chappelle-Nadal
Conway	Cooper	Cox	Cunningham	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberger	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Harris	Hoskins 80	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Lair
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	McNary	McNeil	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Wasson	Webb	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 050

Atkins	Aull	Biermann	Brown 30	Burnett
Casey	Colona	Corcoran	Curls	Davis
Emery	Englund	Ervin	Fallert	Frame
Grill	Hodges	Holsman	Hughes	Hummel
Jones 63	Kander	Kirkton	Kraus	Kuessner
Lampe	LeVota	Low	McDonald	Meadows
Morris	Newman	Oxford	Pace	Quinn
Roorda	Scavuzzo	Schaaf	Schoemehl	Schupp
Shively	Spreng	Talboy	Todd	Vogt
Walton Gray	Webber	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Calloway	Day	Diehl	Grisamore
Hobbs	LeBlanc			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 2013**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2013** was read the third time and passed by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Faith	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Lair
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNeil	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 034

Biermann	Brown 30	Burnett	Corcoran	Davis
Emery	Englund	Ervin	Fallert	Frame
Holsman	Hummel	Jones 63	Kander	Kraus
Kuessner	Lampe	LeVota	Low	Meadows
Newman	Oxford	Pace	Roorda	Schaaf
Schoemehl	Schupp	Shively	Skaggs	Talboy
Vogt	Whitehead	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Day	Grisamore	Hughes
LeBlanc	McNary	Meiners	Spreng	

VACANCIES: 001

Speaker Richard declared the bill passed.

### THIRD READING OF HOUSE BILL

**HCS HB 2198**, relating to motor vehicle franchise practices, was taken up by Representative Parson.

On motion of Representative Parson, **HCS HB 2198** was read the third time and passed by the following vote:

AYES: 129

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Colona
Conway	Cox	Cunningham	Curls	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Frame	Franz	Funderburk
Gatschenberger	Grill	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Scavuzzo	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Zerr	Zimmerman	Mr Speaker	

NOES: 020

Brown 30	Cooper	Davis	Dethrow	Dusenberg
Emery	Ervin	Flook	Guernsey	Harris
Hughes	Koenig	Lipke	Sander	Sater
Schaaf	Schad	Skaggs	Stevenson	Wilson 119

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 012

Brown 50	Calloway	Chappelle-Nadal	Corcoran	Day
Grisamore	LeBlanc	Meiners	Parkinson	Spreng
Vogt	Yaeger			

VACANCIES: 001

Speaker Richard declared the bill passed.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 67** - Transportation  
**HCR 70** - Financial Institutions

### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 93** - Special Standing Committee on General Laws

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1367** - Agriculture Policy  
**HB 1647** - Ways and Means  
**HB 1795** - Public Safety  
**HB 1986** - Special Standing Committee on General Laws  
**HB 2176** - Ways and Means  
**HB 2180** - Elections  
**HB 2214** - Elementary and Secondary Education  
**HB 2218** - Transportation  
**HB 2222** - Insurance Policy  
**HB 2252** - Ways and Means  
**HB 2253** - Transportation  
**HB 2254** - Ways and Means  
**HB 2259** - Ways and Means  
**HB 2263** - Transportation  
**HB 2286** - Special Standing Committee on Professional Registration and Licensing  
**HB 2302** - Ways and Means  
**HB 2310** - Utilities  
**HB 2357** - Veterans

**HB 2371** - Special Standing Committee on General Laws  
**HB 2372** - Special Standing Committee on General Laws  
**HB 2373** - Tax Reform

### **COMMITTEE REPORTS**

**Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **HB 1871**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tourism**, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 1994**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Transportation**, Chairman Dixon reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2097**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1420**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2250**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Children and Families**, Chairman Davis reporting:

Mr. Speaker: Your Special Standing Committee on Children and Families, to which was referred **HB 1238**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



**Special Standing Committee on Governmental Accountability and Ethics Reform,**  
Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Governmental Accountability and Ethics Reform, to which was referred **HB 2300**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Workforce Development and Workplace Safety,**  
Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **HB 2272**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2385**, introduced by Representative Munzlinger, relating to the designation of a memorial highway.

**HB 2386**, introduced by Representatives Sander, Still, Day, Funderburk, Parkinson, Kingery, Zerr, Sater, McGhee, Roorda, Webber and Kelly, relating to sexual offenses.

**HB 2387**, introduced by Representative Smith (150), relating to the commission on state expenditures.

**HB 2388**, introduced by Representative Wasson, relating to nursing home administration.

**HB 2389**, introduced by Representatives Jones (63) and Wilson (130), relating to the state health insurance pool.

**HB 2390**, introduced by Representatives Parkinson, Funderburk, Faith, Zerr, Corcoran, Dieckhaus and Gatschenberger, relating to the taxing authority in certain cities.

**HB 2391**, introduced by Representative Holsman, relating to emergency vehicles.

**HB 2392**, introduced by Representatives Stream, Ruestman Flanigan, Grisamore, Thomson, Lair, Fisher (125), Rucker, Kirkton, Atkins, Bivins, Kratky, Faith, Nolte, Nieves, Nance, Dieckhaus, Fischer (107), Hummel, Grill, Kraus, Ervin, Corcoran, Schad, Nasheed, Dusenberg, Pratt and Ayres, relating to the Missouri homestead preservation act.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 628**, entitled:

An act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 741**, entitled:

An act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 757**, entitled:

An act to repeal sections 37.850 and 55.030, RSMo, and to enact in lieu thereof three new sections relating to the oversight of public funds, with an expiration date for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 777**, entitled:

An act to repeal sections 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof five new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 787**, entitled:

An act to repeal sections 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof four new sections relating to crime victims' compensation fund claims.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 829**, entitled:

An act to repeal sections 67.402 and 71.285, RSMo, and to enact in lieu thereof two new sections relating to nuisance abatement ordinances.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 833**, entitled:

An act to repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 845**, entitled:

An act to repeal sections 115.279, 115.281, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof seven new sections relating to uniformed and overseas voters.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 849**, entitled:

An act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 893**, entitled:

An act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to orders of protection.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 945**, entitled:

An act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to court actions by the department of mental health.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 963**, entitled:

An act to repeal sections 161.415 and 640.240, RSMo, and to enact in lieu thereof two new sections relating to scholarships to be administered by the department of higher education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 979**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to the approval or disapproval of long-term care insurance rates by the director of the department of insurance, financial institutions and professional registration.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 985**, entitled:

An act to repeal sections 452.430, 454.515, and 525.233, RSMo, and to enact in lieu thereof three new sections relating to personal identification information in certain documents, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 987**, entitled:

An act to repeal section 172.794, RSMo, and to enact in lieu thereof one new section relating to funding for research projects by the University of Missouri board of curators.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1002**, entitled:

An act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

In which the concurrence of the House is respectfully requested.

## **COMMITTEE APPOINTMENT**

March 25, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Beth Low from the Ethics Committee. I hereby appoint Representative Stacey Newman to fill the vacancy on the Ethics Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## WITHDRAWAL OF HOUSE BILL

March 25, 2010

D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Mr. Chief Clerk:

I hereby ask that **House Bill No. 2356**, because of an error in drafting, be withdrawn.

Thank you.

Yours truly,

/s/ Jason Kander  
Representative  
District 44

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, March 29, 2010.

## CORRECTIONS TO THE HOUSE JOURNAL

### AFFIDAVITS

I, State Representative Denny Hoskins, District 121, hereby state and affirm that my vote as recorded on Page 662 of the Journal of the House for Wednesday, March 24, 2010 that House Committee Substitute for House Bill No. 2006, as amended, be ordered perfected and printed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 25th day of March 2010.

/s/ Denny Hoskins  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 25th day of March in the year 2010.

/s/ Leticia J. Long  
Notary Public

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I, State Representative Stacy Newman, District 73, hereby state and affirm that my vote as recorded on Page 662 of the Journal of the House for Wednesday, March 24, 2010 that House Committee Substitute for House Bill No. 2006, as amended, be ordered perfected and printed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 25th day of March 2010.

/s/ Stacy Newman  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 25th day of March in the year 2010.

/s/ Leticia J. Long  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, March 30, 2010, 9:00 a.m. Hearing Room 4.  
Executive session.

### **ELECTIONS**

Tuesday, March 30, 2010, 8:00 a.m. Hearing Room 5.  
Executive session.

### **FISCAL REVIEW**

Wednesday, March 31, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **FISCAL REVIEW**

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, March 30, 2010, Hearing Room 3 upon afternoon adjournment.  
Executive session may be held.  
Public hearing to be held on: HB 1986, HB 2371, HB 2372, HJR 93

**SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**SPECIAL STANDING COMMITTEE ON URBAN ISSUES**

Monday, March 29, 2010, Hearing Room 5 upon afternoon adjournment. AMENDED

Public hearing to be held on: HB 2230

Executive session will be held on: HB 1850

**TAX REFORM**

Wednesday, March 31, 2010, 8:45 a.m. Hearing Room 5.

Executive session may be held.

Public hearing to be held on: HB 2373

**TRANSPORTATION**

Tuesday, March 30, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Public hearing to be held on: HB 2218, HB 2253

**TRANSPORTATION**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**UTILITIES**

Tuesday, March 30, 2010, Hearing Room 1 upon morning recess. AMENDED

Public hearing to be held on: HB 2095, HB 2196, HB 2310

Executive session will be held on: HB 1610, HB 1851

**HOUSE CALENDAR**

FORTY-THIRD DAY, MONDAY, MARCH 29, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2385 through HB 2392

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HCS HJR 45, 69 & 70 - Kingery

2 HJR 88 - Nieves

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1747 - Viebrock
- 4 HB 2294 - Dugger
- 5 HB 1372 - Parson
- 6 HB 1494 - Schaaf
- 7 HCS HB 1601 - Nasheed
- 8 HCS HB 1965 - McNary
- 9 HCS HB 1893 - Kelly
- 10 HCS HB 2026 - Hobbs
- 11 HCS HB 1787 - Jones (117)
- 12 HB 1254 - Wilson (119)
- 13 HCS HB 1806 - Franz
- 14 HB 2220 - Dugger
- 15 HCS HB 2048 - Sutherland

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/23/2010)

- 1 HB 1868 - Scharnhorst
- 2 HB 1942 - Parson
- 3 HB 2056 - Diehl
- 4 HB 1609 - Diehl
- 5 HCS HB 1764 - Diehl
- 6 HCS HB 1977 - Wasson
- 7 HB 2109 - Ruzicka
- 8 HB 2114 - Hoskins (121)
- 9 HCS HBs 2147 & 2261 - Brown (149)
- 10 HB 2182 - Munzlinger
- 11 HB 2205 - Burlison
- 12 HB 2226 - Wasson
- 13 HCS HB 2231 - Wasson
- 14 HB 2290 - Wasson
- 15 HB 2270 - Cooper
- 16 HB 2285 - Thomson
- 17 HCS HB 2297 - Molendorp
- 18 HB 1990 - Wells
- 19 HB 1832 - Wells
- 20 HCS HB 2219 - LeBlanc
- 21 HCS HB 2043 - Brown (30)
- 22 HB 1654 - Zimmerman
- 23 HB 1538 - Dusenberg
- 24 HCS HB 1271 - Brown (30)



(3/24/2010)

- 1       HCS HB 1898 - Zerr
- 2       HB 2317 - Tracy
- 3       HCS HB 1848 - Holsman
- 4       HB 1640 - Roorda
- 5       HB 1894 - Bringer

#### **HOUSE BILLS FOR THIRD READING**

HCS HBs 1327 & 2000 - Pratt

#### **HOUSE BILLS FOR THIRD READING - REVISION**

HCS HB 1516 - Smith (150)

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1       HB 2111 - Faith
- 2       HCS HB 1831 - Jones (117)
- 3       HCS HB 1290 - Gatschenberger
- 4       HB 1802 - Gatschenberger
- 5       HB 2159 - Diehl
- 6       HB 1941 - Parson
- 7       HB 1664 - Wasson
- 8       HB 1662 - Brown (149)
- 9       HCS HB 1580 - Smith (14)
- 10      HCS HB 1841 - Wilson (130)
- 11      HB 1904 - Wilson (130)
- 12      HCS HB 1970 - Bivins
- 13      HCS HB 1943 - McGhee
- 14      HB 1824 - Sutherland
- 15      HB 1705 - Molendorp
- 16      HB 1595 - Dugger
- 17      HCS HB 1541 - Ruzicka
- 18      HB 1424 - Franz
- 19      HCS HB 1375 - Cooper
- 20      HB 1270 - Meiners
- 21      HB 1643 - Brown (50)
- 22      HCS HB 1707, E.C. - Schaaf
- 23      HB 1892 - Nasheed
- 24      HCS HB 2161 - Guest
- 25      HB 1330 - Salva
- 26      HCS HB 1310 - Hodges
- 27      HB 1778 - Walton Gray
- 28      HCS HB 1858 - Zimmerman
- 29      HB 1392 - Kirkton

**SENATE BILLS FOR SECOND READING**

- 1 SB 628
- 2 SB 741
- 3 SS SB 757
- 4 SCS SB 777
- 5 SCS SB 787
- 6 SCS SB 829
- 7 SB 833
- 8 SB 845
- 9 SB 849
- 10 SB 893
- 11 SB 945
- 12 SCS SB 963
- 13 SCS SB 979
- 14 SB 985
- 15 SB 987
- 16 SB 1002

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-THIRD DAY, MONDAY, MARCH 29, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, You are our shield, our glory, and our only hope. You alone can lift our head, now bowed in humiliation and disgust.

You have instructed us in Your Word to, "Call to Me and I will answer you. I'll tell you marvelous and inexplicable things that you could never figure out on your own."

LORD, we cry out to You. We recognize that our vision is clouded and we must have clarity to bring solutions to our economic crisis. We are a people without a voice looking for an acceptable mouthpiece to help articulate our thoughts. We are a people without hearing, unable to receive the suggestions of others. We are a people without mobility, hindered from reaching our desired destinations. Have mercy on us. Be our eyes, ears, and mouth. We look expectantly to You.

Help us to pause, to take a breath and to calmly proceed with the business at hand. May we consider one another and the needs of others before ourselves. May we hold one another in high regard and honor.

Heavenly Father, if we, as individuals, are a stumbling block to finding smart solutions to the current issues before us, reveal this and help us to step aside to allow for a free flow of thought, respectful disagreement and debate.

Now, may You, Heavenly Father, who has loved us and given us eternal encouragement and good hope by grace, encourage our hearts and strengthen us in every good work and word.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the forty-second day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1421 through House Resolution No. 1475

## SECOND READING OF HOUSE BILLS

**HB 2385** through **HB 2392** were read the second time.

## SECOND READING OF SENATE BILLS

**SB 628, SB 741, SS SB 757, SCS SB 777, SCS SB 787, SCS SB 829, SB 833, SB 845, SB 849, SB 893, SB 945, SCS SB 963, SCS SB 979, SB 985, SB 987 and SB 1002** were read the second time.

## PERFECTION OF HOUSE BILLS

**HB 2294**, relating to political party emblems on ballots, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 2294** was ordered perfected and printed.

**HCS HB 1747**, relating to animal agriculture, was taken up by Representative Viebrock.

Representative Viebrock offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1747, Section 265.700, Page 1, Lines 2, 7, 14, and Page 2, Line 21, by deleting the word, “**retail**” and inserting in lieu thereof the word, “**wholesale**”; and

Further amend said bill, Section 265.703, Page 2, Lines 2, 5, 11, and Page 3, Line 31, by deleting the word, “**retail**” and inserting in lieu thereof the word, “**wholesale**”; and

Further amend said section, Page 2, Line 14, by inserting after the word, “**director**” the words, “**and the Federal Meat Inspection Act**”; and

Further amend said section and page, Line 17, by inserting after the word, “**prescribed**” the words, “**by the Federal Meat Inspection Act and**”; and

Further amend said section and page, Line 23, by inserting after the word, “**established**” the words, “**by the Federal Meat Inspection Act or**”; and

Further amend said section and page, Line 25, by inserting after the words, “**violation of**” the words, “**the Federal Meat Inspection Act or**”; and

Further amend said bill, Page 3, Section 265.706, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 3, Section 265.715, Line 3, by deleting the word, “**retail**” and inserting in lieu thereof the word, “**wholesale**”; and

Further amend said section and page, Line 5, by inserting after the words, “**meaning of**” the words, “**the Federal Meat Inspection Act or**”; and

Further amend said bill, Page 3, Section 265.718, Lines 1 through 7, by deleting all of said section; and

Further amend said bill, Page 4, Section 265.721, Line 2, by deleting the word, “**retail**” and inserting in lieu thereof the word, “**wholesale**”; and

Further amend said section and page, Line 7, by inserting after the words, “**in violation of**” the words, “**the Federal Meat Inspection Act or**”; and

Further amend said section and page, Line 11, by deleting the word, “**Agriculture**” and inserting in lieu thereof the words, “**Agriculture’s Federal Meat Inspection Act**”; and

Further amend said bill, Page 4, Section 265.724, Line 2, by inserting after the words, “**enforcement of**” the words, “**the Federal Meat Inspection Act or**”; and

Further amend said section and page, Line 5, by deleting the word, “**retail**” and inserting in lieu thereof the word, “**wholesale**”; and

Further amend said section and page, Line 12, by inserting after the word, “**violation of**” the words, “**the Federal Meat Inspection Act, or**”; and

Further amend said bill, Page 5, Section 265.730, Line 11, by deleting the word, “**retail-sized**” and inserting in lieu thereof the word, “**wholesale-sized**”; and

Further amend said bill, Page 5, Section 265.733, Line 1, by deleting the word, “**retail**” and inserting in lieu thereof the word, “**wholesale**”; and

Further amend said bill, Page 5, Section 265.736, Line 1, by inserting after the words, “**promulgate rules**” the words, “**consistent with the Federal Meat Inspection Act**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Viebrock, **House Amendment No. 1** was adopted.

Representative Loehner offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1747, Section 1, Page 6, Line 1, by inserting immediately after the “**1.**”, “**1.**”; and

Further amend said section, Page 7, Line 4, by inserting immediately after the word “**No**”; the word “**state**”; and

Further amend said section, Page 7, Line 6, by inserting immediately after the word “**upon**”, the words, “**the most current industry standards and**”; and

Further amend said section and page, Line 7, by inserting immediately after said line the following:

“**2. As used in this section, the following terms shall mean:**

(1) “**Generally accepted scientific principles**”, agricultural standards and practices established by the University of Missouri, and the most current industry standards and practices;

(2) “**Undue economic burden**”, expenses incurred resulting from changes in agricultural practices deemed legal under current state or local laws or ordinances;

(3) “**Humane manner**”, care of animals regarding the animals health and environment in compliance with generally accepted scientific principles.”; and

**3. For purposes of this section domesticated animals shall also include captive raised game birds.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schieffer offered **House Amendment No. 1 to House Amendment No. 2**.

*House Amendment No. 1*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1747, Page 1, Line 19, by adding after the word "**birds**", the words "**and fish**".

On motion of Representative Schieffer, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Shively offered **House Amendment No. 2 to House Amendment No. 2**.

*House Amendment No. 2*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1747, Page 1, Line 19, by inserting after said line:

**"4. This section shall in no way prohibit or limit the right of any county or city to enact ordinances".**

Representative Loehner raised a point of order that **House Amendment No. 2 to House Amendment No. 2** is not properly drafted.

The Chair ruled the point of order not well taken.

Representative Shively moved that **House Amendment No. 2 to House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 060

Atkins	Aull	Biermann	Brown 50	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Dougherty	Dusenberg	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Hummel	Jones 63	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Skaggs	Spreng
Still	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Yaeger

NOES: 091

Allen	Ayres	Bivins	Brandom	Bringer
Brown 30	Brown 149	Bruns	Burlison	Burnett
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk

Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Hughes	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

PRESENT: 001

Low

ABSENT WITH LEAVE: 010

Curls	Holsman	Icet	Kander	LeBlanc
McGhee	Newman	Schupp	Storch	Zimmerman

VACANCIES: 001

Representative Harris offered **House Amendment No. 3 to House Amendment No. 2.**

*House Amendment No. 3*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1747, Page 1, Line 5, by inserting after said line,

‘Further amend said section, Page 7, Line 5, by deleting the words "**or otherwise regulating crops or**".’.

Representative Harris moved that **House Amendment No. 3 to House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Atkins	Biermann	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Hoskins 80	Hummel	Jones 63	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	McDonald	McNeil	Meadows
Morris	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Skaggs	Spreng

Still	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Wright	Yaeger			

NOES: 090

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Hughes	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Zerr	Mr Speaker

PRESENT: 001

Low

ABSENT WITH LEAVE: 009

Holsman	Iceet	Kander	LeBlanc	McClanahan
Newman	Schupp	Storch	Zimmerman	

VACANCIES: 001

On motion of Representative Loehner, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 095

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 30	Brown 149	Burlison	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Hughes	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson



Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Zerr	Mr Speaker

NOES: 057

Atkins	Biermann	Brown 50	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Dougherty	Fallert	Fischer 107
Grill	Harris	Hodges	Hoskins 80	Hummel
Jones 63	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	McClanahan	McDonald
McNeil	Meadows	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schoemehl	Shively	Skaggs	Spreng
Still	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Wright	Yaeger			

PRESENT: 001

Low

ABSENT WITH LEAVE: 009

Bruns	Holsman	Icet	Kander	LeBlanc
Newman	Schupp	Storch	Zimmerman	

VACANCIES: 001

Representative Salva offered **House Amendment No. 3**.

Representative Smith (150) raised a point of order that **House Amendment No. 3** was not timely distributed.

The Chair ruled the point of order well taken.

On motion of Representative Viebrock, **HCS HB 1747, as amended**, was adopted.

On motion of Representative Viebrock, **HCS HB 1747, as amended**, was ordered perfected and printed.

**HB 1372**, relating to local communications carriers, was taken up by Representative Parson.

On motion of Representative Parson, **HB 1372** was ordered perfected and printed.

**HB 1494**, relating to transfer of property by universities, was taken up by Representative Schaaf.

Representative Webber offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 1494, Page 5, Section 37.005, Line 134, by inserting after the word “transfer” the words “**for fair market value**”; and

Further amend said page, Line 136, by deleting all of said line and inserting in lieu thereof the following:

“an act of the general assembly. The provisions of this subsection shall expire August 28, [2011] **2017**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Webber moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Atkins	Aull	Ayres	Biermann	Bringer
Brown 50	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Curls	Dougherty	Englund	Fallert	Fischer 107
Flook	Frame	Grill	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Morris
Munzlinger	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Silvey	Skaggs
Smith 150	Spreng	Swinger	Talboy	Tilley
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger		

NOES: 077

Allen	Bivins	Brandom	Brown 30	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Day	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hoskins 121
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Nance
Nieves	Nolte	Parkinson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Smith 14	Stevenson	Stream	Sutherland
Thomson	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 012

Deeken	Icet	Kander	LeBlanc	Meiners
Newman	Parson	Schupp	Still	Storch
Vogt	Zimmerman			

VACANCIES: 001

On motion of Representative Schaaf, **HB 1494** was ordered perfected and printed.

On motion of Representative Tilley, the House recessed until 8:00 p.m.

### EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

### THIRD READING OF HOUSE BILLS - CONSENT

**HB 2111**, relating to the state transit assistance program, was taken up by Representative Faith.

On motion of Representative Faith, **HB 2111** was read the third time and passed by the following vote:

AYES: 102

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Cox	Cunningham	Day	Denison	Dieckhaus
Dixon	Dugger	Dusenberg	Emery	Englund
Faith	Fisher 125	Flanigan	Flook	Frame
Franz	Grill	Grisamore	Guernsey	Guest
Hodges	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Keeney	Kelly	Kingery
Kirkton	Komo	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McDonald	McGhee	McNary
McNeil	Molendorp	Morris	Nance	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Scavuzzo	Schaaf
Schad	Schieffer	Schoeller	Schoemehl	Silvey
Smith 14	Smith 150	Sutherland	Swinger	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 009

Bringer	Burnett	Dethrow	Ervin	Harris
LeVota	Skaggs	Stevenson	Talboy	

PRESENT: 000

ABSENT WITH LEAVE: 051

Calloway	Colona	Conway	Cooper	Corcoran
Curls	Davis	Deeken	Diehl	Dougherty
Fallert	Fischer 107	Funderburk	Gatschenberger	Hobbs
Holsman	Hoskins 80	Jones 89	Kander	Koenig
Kratky	LeBlanc	McClanahan	Meadows	Meiners
Munzlinger	Nasheed	Newman	Nieves	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scharnhorst	Schlottach	Schupp
Self	Shively	Spreng	Still	Storch
Stream	Todd	Vogt	Webb	Whitehead
Zimmerman				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1831**, relating to school district property, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HCS HB 1831** was read the third time and passed by the following vote:

AYES: 119

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberger
Emery	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Icet	Jones 117	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McDonald	McNary	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Schieffer	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 026

Atkins	Bringer	Burnett	Corcoran	Englund
Frame	Hummel	Jones 63	Kirkton	Kuessner
LeVota	Low	McClanahan	McNeil	Morris
Oxford	Schoemehl	Skaggs	Spreng	Still
Talboy	Walsh	Walton Gray	Webb	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 017

Calloway	Deeken	Funderburk	Hughes	Jones 89
Kander	LeBlanc	McGhee	Newman	Nieves
Scharnhorst	Schlottach	Schupp	Storch	Vogt
Whitehead	Zimmerman			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1290**, relating to auditors in charter counties, was taken up by Representative Gatschenberger.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Chappelle-Nadal	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberger	Emery	Ervin	Faith
Fisher 125	Flanigan	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sater	Schaaf	Schad
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Colona
Conway	Corcoran	Curls	Dougherty	Englund

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Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Norr	Oxford	Pace	Quinn
Roorda	Salva	Scavuzzo	Schieffer	Schoemehl
Shively	Skaggs	Spreng	Still	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	

PRESENT: 000

ABSENT WITH LEAVE: 012

Flook	Kander	LeBlanc	Newman	Rucker
Sander	Scharnhorst	Schlottach	Schupp	Storch
Vogt	Zimmerman			

VACANCIES: 001

On motion of Representative Gatschenberger, **HCS HB 1290** was read the third time and passed by the following vote:

AYES: 091

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Conway	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Meadows	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Salva	Sater	Schaaf	Schad	Scharnhorst
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 061

Atkins	Aull	Bringer	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Curls	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo

Schieffer	Schoemehl	Shively	Skaggs	Spreng
Still	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 010

Grisamore	Kander	LeBlanc	Newman	Sander
Schlottach	Schupp	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 2159**, relating to a memorial highway, was taken up by Representative Diehl.

On motion of Representative Diehl, **HB 2159** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 005

Burnett	Harris	Hughes	LeVota	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 011

Denison	Kander	LeBlanc	Newman	Schad
Schlottach	Schupp	Storch	Vogt	Wallace
Zimmerman				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1941**, relating to a memorial highway, was taken up by Representative Parson.

On motion of Representative Parson, **HB 1941** was read the third time and passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			



NOES: 005

Burnett	Harris	Hughes	LeVota	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Jones 89	Kander	LeBlanc	Newman
Schlottach	Schupp	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1664**, relating to county highway commissions, was taken up by Representative Wasson.

On motion of Representative Wasson, **HB 1664** was read the third time and passed by the following vote:

AYES: 139

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	Liese	Lipke	Lochner	Low
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Parkinson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 014

Bringer	Burnett	Calloway	Frame	Harris
Hughes	Komo	LeVota	McClanahan	Pace
Skaggs	Still	Talboy	Witte	

PRESENT: 000

ABSENT WITH LEAVE: 009

Kander	LeBlanc	Newman	Parson	Schlottach
Schupp	Storch	Vogt	Zimmerman	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1662**, relating to diseased animals, was taken up by Representative Brown (149).

Representative Kelly moved that **HB 1662** be recommitted to the committee of origin.

Which motion was defeated by the following vote:

AYES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Morris	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Skaggs	Spreng
Still	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger				

NOES: 084

Ayres	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Cooper	Funderburk	Kander	LeBlanc
Meiners	Newman	Schlottach	Schupp	Storch
Vogt	Zimmerman			

VACANCIES: 001

On motion of Representative Brown (149), **HB 1662** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 004

Colona	LeVota	Talboy	Webber
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PRESENT: 000

ABSENT WITH LEAVE: 013

Burnett	Franz	Funderburk	Kander	LeBlanc
Meiners	Newman	Schlottach	Schupp	Spreng
Storch	Vogt	Zimmerman		

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1580**, relating to the Hero at Home Program, was taken up by Representative Smith (14).

On motion of Representative Smith (14), **HCS HB 1580** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Cooper	Dethrow	Hughes	Kander	LeBlanc
Newman	Parkinson	Schlottach	Schupp	Spreng
Storch	Vogt	Zimmerman		

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1841**, relating to life insurance producer examinations, was taken up by Representative Wilson (130).

On motion of Representative Wilson (130), **HCS HB 1841** was read the third time and passed by the following vote:

AYES: 132

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Lair
Lampe	Largent	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Scharnhorst	Schieffer	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Still	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Mr Speaker			

NOES: 020

Atkins	Bringer	Burnett	Ervin	Flook
Frame	Harris	Hughes	Kuessner	Leara
Low	Oxford	Scavuzzo	Schad	Skaggs
Stevenson	Talboy	Webber	Yaeger	Zerr

PRESENT: 001

Englund

ABSENT WITH LEAVE: 009

Kander	LeBlanc	Newman	Schlottach	Schupp
Sprenge	Storch	Vogt	Zimmerman	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1904**, relating to the Insurance Guaranty Association Act, was taken up by Representative Wilson (130).

On motion of Representative Wilson (130), **HB 1904** was read the third time and passed by the following vote:

AYES: 111

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Carter	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fischer 107	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hoskins 80
Hoskins 121	Ice	Jones 63	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kraus
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McDonald	McGhee	McNary
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Self
Silvey	Smith 14	Smith 150	Stream	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 041

Atkins	Bringer	Burnett	Calloway	Casey
Corcoran	Dethrow	Fallert	Flook	Frame
Harris	Hodges	Holsman	Hughes	Hummel
Kelly	Kirkton	Kratky	Kuessner	LeVota
Low	McClanahan	McNeil	Meadows	Norr
Oxford	Pace	Roorda	Scavuzzo	Schoemehl

Shively	Skaggs	Stevenson	Still	Sutherland
Swinger	Talboy	Todd	Walton Gray	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 010

Kander	LeBlanc	Morris	Newman	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1970**, relating to a memorial highway, was taken up by Representative Bivins.

On motion of Representative Bivins, **HCS HB 1970** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Still	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 006

Burnett	Hughes	LeVota	Schad	Skaggs
Talboy				

PRESENT: 000

ABSENT WITH LEAVE: 010

Kander	LeBlanc	Newman	Schlottach	Schupp
Spreng	Stevenson	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1943**, relating to the Missouri Military Family Relief Fund, was taken up by Representative McGhee.

On motion of Representative McGhee, **HCS HB 1943** was read the third time and passed by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			



NOES: 001

Hughes

PRESENT: 000

ABSENT WITH LEAVE: 009

Kander	LeBlanc	Newman	Schlottach	Schupp
Spreng	Storch	Vogt	Zimmerman	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1824**, relating to licensure of social workers, was taken up by Representative Sutherland.

On motion of Representative Sutherland, **HB 1824** was read the third time and passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

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NOES: 003

Flook                      Hughes                      Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 011

Burnett	Kander	LeBlanc	Newman	Schad
Schlottach	Schupp	Spreng	Storch	Vogt
Zimmerman				

VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt assumed the Chair.

**HB 1705**, relating to sewer subdistricts in Cass County, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HB 1705** was read the third time and passed by the following vote:

AYES: 120

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Chappelle-Nadal
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Kratky
Kraus	Lair	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 031

Atkins	Biermann	Casey	Colona	Fallert
Frame	Harris	Hughes	Hummel	Jones 63
Komo	Kuessner	Lampe	LeVota	Low
McNeil	Meadows	Morris	Norr	Oxford
Pace	Roorda	Schieffer	Schoemehl	Skaggs
Still	Talboy	Walton Gray	Webb	Webber
Whitehead				

PRESENT: 000

ABSENT WITH LEAVE: 011

Dougherty	Kander	LeBlanc	Newman	Parkinson
Schlottach	Schupp	Spreng	Storch	Vogt
Zimmerman				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1595**, relating to industrial development corporations, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 1595** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Stream	Sutherland	Swinger	Thomson	Tilley

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Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 002

LeVota	Talboy
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PRESENT: 001

Oxford

ABSENT WITH LEAVE: 010

Kander	LeBlanc	Newman	Roorda	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 1541**, relating to third class city primary elections, was taken up by Representative Ruzicka.

On motion of Representative Ruzicka, **HCS HB 1541** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock

Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 003

Burnett	Hughes	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 013

Kander	LeBlanc	Nasheed	Newman	Parson
Roorda	Schlottach	Schupp	Spreng	Storch
Talboy	Vogt	Zimmerman		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1424**, relating to collection of property taxes, was taken up by Representative Franz.

On motion of Representative Franz, **HB 1424** was read the third time and passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Oxford	Pace	Parkinson	Pollock
Pratt	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson

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Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 009

Bringer	Burnett	Harris	Hughes	LeVota
Norr	Quinn	Skaggs	Talboy	

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Kander	LeBlanc	Newman	Parson
Schlottach	Schupp	Spreng	Storch	Vogt
Zimmerman				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 1375**, relating to sexually transmitted diseases, was taken up by Representative Cooper.

On motion of Representative Cooper, **HCS HB 1375** was read the third time and passed by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Diehl	Dixon	Dougherty
Englund	Faith	Fallert	Fischer 107	Flanigan
Frame	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Jones 63	Jones 117
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Largent
LeVota	Liese	Lipke	Low	McClanahan
McDonald	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Pollock	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Scharnhorst
Schieffer	Schoemehl	Shively	Silvey	Skaggs
Smith 14	Still	Stream	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 032

Brown 30	Davis	Dethrow	Dieckhaus	Dugger
Dusenberg	Emery	Ervin	Fisher 125	Flook
Franz	Funderburk	Ice	Koenig	Kraus
Leara	Loehner	McGhee	Parkinson	Parson
Pratt	Riddle	Sander	Schaaf	Schad
Schoeller	Self	Smith 150	Stevenson	Sutherland
Tracy	Wilson 119			

PRESENT: 000

ABSENT WITH LEAVE: 011

Hughes	Jones 89	Kander	LeBlanc	Newman
Schlottach	Schupp	Spreng	Storch	Vogt
Zimmerman				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1270**, relating to children's special health care needs, was taken up by Representative Meiners.

On motion of Representative Meiners, **HB 1270** was read the third time and passed by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Ice	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger

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Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Hughes	Kander	LeBlanc	Newman	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1643**, relating to donations to assist the homeless, was taken up by Representative Brown (50).

On motion of Representative Brown (50), **HB 1643** was read the third time and passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace



Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 002

Ervin	Schad
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PRESENT: 000

ABSENT WITH LEAVE: 010

Hughes	Kander	LeBlanc	Newman	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1802**, relating to purchase of rifles and shotguns, was taken up by Representative Gatschenberger.

On motion of Representative Gatschenberger, **HB 1802** was read the third time and passed by the following vote:

AYES: 134

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McGhee	McNary	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 018

Atkins	Burnett	Chappelle-Nadal	Colona	Englund
Jones 63	Kirkton	Low	McDonald	McNeil
Morris	Oxford	Pace	Schoemehl	Still
Walton Gray	Whitehead	Yaeger		

PRESENT: 000

ABSENT WITH LEAVE: 010

Hughes	Kander	LeBlanc	Newman	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 1707**, relating to county jails, was taken up by Representative Schaaf.

On motion of Representative Schaaf, **HCS HB 1707** was read the third time and passed by the following vote:

AYES: 130

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McGhee	McNary	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 022

Burnett	Chappelle-Nadal	Colona	Corcoran	Curls
Frame	Hummel	Jones 63	Kratky	LeVota
Low	McDonald	McNeil	Morris	Schoemehl
Skaggs	Still	Talboy	Webb	Webber
Whitehead	Yaeger			

PRESENT: 000

ABSENT WITH LEAVE: 010

Hughes	Kander	LeBlanc	Newman	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 020

Atkins	Casey	Cooper	Cunningham	Dieckhaus
Diehl	Dougherty	Guernsey	Hoskins 121	McGhee
Nasheed	Pratt	Schaaf	Schad	Self
Skaggs	Stevenson	Sutherland	Viebrock	Wallace

NOES: 132

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hummel	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Scharnhorst	Schieffer	Schoeller	Schoemehl
Shively	Silvey	Smith 14	Smith 150	Still
Stream	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Walsh	Walton Gray	Wasson

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Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 010

Hughes	Kander	LeBlanc	Newman	Schlottach
Schupp	Spreng	Storch	Vogt	Zimmerman

VACANCIES: 001

**HB 1892**, relating to student work certificates, was taken up by Representative Nasheed.

On motion of Representative Nasheed, **HB 1892** was read the third time and passed by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Ice
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 012

Davis	Denison	Dugger	Dusenberg	Grisamore
Kraus	Munzlinger	Pollock	Pratt	Sater
Schad	Wallace			

PRESENT: 000

ABSENT WITH LEAVE: 013

Bruns	Hughes	Kander	LeBlanc	Newman
Schlottach	Schupp	Spreng	Storch	Talboy
Vogt	Webber	Zimmerman		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 2161**, relating to driver's license examinations, was taken up by Representative Guest.

On motion of Representative Guest, **HCS HB 2161** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

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NOES: 004

Burnett	Skaggs	Wallace	Yaeger
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PRESENT: 000

ABSENT WITH LEAVE: 012

Bruns	Hughes	Kander	LeBlanc	Newman
Schlottach	Schupp	Spreng	Storch	Talboy
Vogt	Zimmerman			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1330**, relating to a memorial bridge and highway, was taken up by Representative Salva.

On motion of Representative Salva, **HB 1330** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Still
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 004

Harris	Skaggs	Stevenson	Wallace
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PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Hughes	Kander	LeBlanc	Low
Newman	Parson	Roorda	Schlottach	Schupp
Spreng	Storch	Vogt	Zimmerman	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 1310**, relating to a memorial highway, was taken up by Representative Hodges.

On motion of Representative Hodges, **HCS HB 1310** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

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NOES: 002

Harris                      Schad

PRESENT: 000

ABSENT WITH LEAVE: 016

Bruns	Hughes	Kander	Lampe	LeBlanc
Low	Nasheed	Newman	Parson	Roorda
Schlottach	Schupp	Spreng	Storch	Vogt
Zimmerman				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1778**, relating to Organ Donor Awareness Day, was taken up by Representative Walton Gray.

On motion of Representative Walton Gray, **HB 1778** was read the third time and passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				



NOES: 007

Davis	Emery	Ervin	Flook	Sater
Schad	Stevenson			

PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Kander	LeBlanc	Low	Meiners
Newman	Parson	Roorda	Schlottach	Schupp
Spreng	Storch	Vogt	Zimmerman	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1392**, relating to property tax rates, was taken up by Representative Kirkton.

On motion of Representative Kirkton, **HB 1392** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Keeney	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Bruns	Hughes	Jones 63	Kander	Kelly
LeBlanc	Meiners	Nasheed	Newman	Parson
Roorda	Schlottach	Schupp	Spreng	Storch
Vogt	Zimmerman			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1508** - Financial Institutions  
**HB 1509** - Financial Institutions  
**HB 1738** - Special Standing Committee on Professional Registration and Licensing  
**HB 1845** - Special Standing Committee on Professional Registration and Licensing  
**HB 1936** - Financial Institutions  
**HB 2116** - Financial Institutions  
**HB 2283** - Insurance Policy  
**HB 2390** - Tax Reform

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2393**, introduced by Representative Smith (14), relating to amateur radio special license plates.

**HB 2394**, introduced by Representative Leara, relating to an income tax deduction for home purchases.

**HB 2395**, introduced by Representative Leara, relating to real property assessed valuation.

**HB 2396**, introduced by Representative Leara, relating to motor vehicle registration fees for war veterans.

**HB 2397**, introduced by Representative Leara, relating to the power of eminent domain.

**HB 2398**, introduced by Representative Leara, relating to firearms.

**HB 2399**, introduced by Representatives Hobbs and Komo, relating to tax credits.

**HB 2400**, introduced by Representative Cunningham, relating to linked deposits.

**HB 2401**, introduced by Representatives Talboy and Tilley, relating to motor vehicle extended service contracts.

**HB 2402**, introduced by Representative Aull, relating to driving while revoked.

**HB 2403**, introduced by Representatives McNeil, Oxford, Pace, Kirkton, Webb, Morris and Brown (50), relating to racial and gender equity in the membership of boards, commissions, committees, and councils.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, March 30, 2010.

### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Forty-second Day, Thursday, March 25, 2010, Page 698, Line 27, by inserting immediately after said line the following:

**HB 2230** - Special Standing Committee on Urban Issues

### **COMMITTEE MEETINGS**

#### **AGRI-BUSINESS**

Tuesday, March 30, 2010, 9:00 a.m. Hearing Room 4.  
Executive session.

#### **ELECTIONS**

Tuesday, March 30, 2010, 8:00 a.m. Hearing Room 5.  
Executive session.

#### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 31, 2010, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HB 1274, HB 2214

#### **FINANCIAL INSTITUTIONS**

Wednesday, March 31, 2010, 5:30 p.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HB 2152

#### **FISCAL REVIEW**

Wednesday, March 31, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

FISCAL REVIEW

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTHCARE TRANSFORMATION

Tuesday, March 30, 2010, 5:00 p.m. Hearing Room 6.

Executive session.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 31, 2010, 8:00 a.m. Hearing Room 1.

Informational workshop regarding birth certificates for adoptees.

Continuation of Public hearing on HB 1725.

Public hearing to be held on: HB 1725

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, March 30, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held. AMENDED

Public hearing to be held on: HB 2371, HB 2372, HJR 93

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION  
FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

TAX REFORM

Wednesday, March 31, 2010, 8:45 a.m. Hearing Room 5.

Executive session may be held.

Public hearing to be held on: HB 2373

TRANSPORTATION

Tuesday, March 30, 2010, Hearing Room 7, 1:00 p.m. or upon morning recess, whichever is later.

AMENDED

Public hearing to be held on: HB 2218, HCR 67

TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**UTILITIES**

Tuesday, March 30, 2010, Hearing Room 1 upon morning recess. CORRECTED

Public hearing to be held on: HB 2095, HB 2196, HB 2310

Executive session will be held on: HB 1851

**VETERANS**

Tuesday, March 30, 2010, 1:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2357

**HOUSE CALENDAR**

FORTY-FOURTH DAY, TUESDAY, MARCH 30, 2010

**HOUSE BILLS FOR SECOND READING**

HB 2393 through HB 2403

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HJR 88 - Nieves

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543 - Wallace
- 3 HCS HB 1601 - Nasheed
- 4 HCS HB 1965 - McNary
- 5 HCS HB 1893 - Kelly
- 6 HCS HB 2026 - Hobbs
- 7 HCS HB 1787 - Jones (117)
- 8 HB 1254 - Wilson (119)
- 9 HCS HB 1806 - Franz
- 10 HB 2220 - Dugger
- 11 HCS HB 2048 - Sutherland

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/23/2010)

- 1 HB 1868 - Scharnhorst
- 2 HB 1942 - Parson
- 3 HB 2056 - Diehl
- 4 HB 1609 - Diehl
- 5 HCS HB 1764 - Diehl
- 6 HCS HB 1977 - Wasson

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- 7        HB 2109 - Ruzicka
- 8        HB 2114 - Hoskins (121)
- 9        HCS HBs 2147 & 2261 - Brown (149)
- 10       HB 2182 - Munzlinger
- 11       HB 2205 - Burlison
- 12       HB 2226 - Wasson
- 13       HCS HB 2231 - Wasson
- 14       HB 2290 - Wasson
- 15       HB 2270 - Cooper
- 16       HB 2285 - Thomson
- 17       HCS HB 2297 - Molendorp
- 18       HB 1990 - Wells
- 19       HB 1832 - Wells
- 20       HCS HB 2219 - LeBlanc
- 21       HCS HB 2043 - Brown (30)
- 22       HB 1654 - Zimmerman
- 23       HB 1538 - Dusenberg
- 24       HCS HB 1271 - Brown (30)

(3/24/2010)

- 1        HCS HB 1898 - Zerr
- 2        HB 2317 - Tracy
- 3        HCS HB 1848 - Holsman
- 4        HB 1640 - Roorda
- 5        HB 1894 - Bringer

**HOUSE BILLS FOR THIRD READING**

HCS HBs 1327 & 2000 - Pratt

**HOUSE BILLS FOR THIRD READING - REVISION**

HCS HB 1516 - Smith (150)

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 1858 - Zimmerman

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-FOURTH DAY, TUESDAY, MARCH 30, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Let us pray, in harmony with those who, yesterday, began the 40 Days of Prayer and Fasting for our lawmakers, who are dealing with difficult decisions regarding the State budget.

Holy Lord, our God, we believe that You are the one God, the Almighty God, Lord of Heaven and Earth. May this faith in You unite us, hold us together as one, help us to think together, and fill us with zeal for the common good.

Keep us united enough to hear each other, to respect each other, to learn from each other, to think together, to grow in wisdom together, and finally to make correct - even if difficult - decisions together.

May Your Holy Spirit inspire us individually to pray before we speak and before we decide.

To You be glory and honor forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Abigail Laws, Hannah Laws, T. J. Campbell, Tanner Streiff, Drew Streiff, Blake Molendorp, Tyler Molendorp, Dalton Buschjost, Macey Stockman, Andrea Baker, Anya Stokan, Adair Stokan and Bridget Skaggs.

The Journal of the forty-third day was approved as corrected.

## **SPECIAL RECOGNITION**

The Women Veterans of the Missouri Veterans Commission were introduced by Representative Walton Gray and recognized for their military service to the United States of America.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1476 through House Resolution No. 1569

## **SECOND READING OF HOUSE BILLS**

**HB 2393** through **HB 2403** were read the second time.

**THIRD READING OF HOUSE BILL - REVISION**

**HCS HB 1516**, relating to the repeal of expired statutes, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HCS HB 1516** was read the third time and passed by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Ice	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	LeVota	Liese	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Todd	Tracy	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 016

Bringer	Burnett	Harris	Kirkton	Low
Newman	Schoemehl	Schupp	Skaggs	Spreng
Still	Swinger	Talboy	Vogt	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 009

Corcoran	Grisamore	Hughes	Leara	LeBlanc
McClanahan	Storch	Viebrock	Zimmerman	

VACANCIES: 001

Speaker Richard declared the bill passed.



### THIRD READING OF HOUSE BILL

**HCS HBs 1327 & 2000**, relating to abortions, was taken up by Representative Pratt.

Representative Hobbs assumed the Chair.

Representative Cox assumed the Chair.

On motion of Representative Pratt, **HCS HBs 1327 & 2000** was read the third time and passed by the following vote:

AYES: 113

Allen	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hummel	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kratky	Kraus	Kuessner
Lair	Largent	Liese	Lipke	Loehner
McGhee	McNary	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Norr
Parkinson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 037

Atkins	Burnett	Calloway	Carter	Chappelle-Nadal
Colona	Corcoran	Curls	Dougherty	Englund
Frame	Holsman	Hoskins 80	Jones 63	Kander
Kelly	Kirkton	Komo	Lampe	LeVota
Low	McClanahan	McNeil	Morris	Newman
Oxford	Pace	Schupp	Skaggs	Still
Talboy	Vogt	Wallace	Walton Gray	Webb
Webber	Whitehead			

PRESENT: 000

ABSENT WITH LEAVE: 012

Hoskins 121  
Nasheed  
Storch

Hughes  
Parson  
Zimmerman

Leara  
Roorda

LeBlanc  
Salva

McDonald  
Schlottach

VACANCIES: 001

Representative Cox declared the bill passed.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Pratt.

### PERFECTION OF HOUSE BILLS

**HCS HB 1965**, relating to the repeal of expired statutes, was taken up by Representative McNary.

On motion of Representative McNary, **HCS HB 1965** was adopted.

On motion of Representative McNary, **HCS HB 1965** was ordered perfected and printed.

**HCS HB 1806**, relating to a county assessed valuation, was taken up by Representative Franz.

Representative Ruestman offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1806, Section 48.020, Page 1, Lines 4-10, by deleting all of said lines and inserting in lieu thereof the following:

“Classification 1. All counties having an assessed valuation of [six] **nine** hundred million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; **provided** however [,] **that:**

(1) Any county of the second classification which, on August [13, 1988] **28, 2010**, has had an assessed valuation of at least [four] **six** hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first classification after it has maintained such valuation for the period of time required by the provisions of section 48.030;

(2) **Any county of the second classification which, on August 28, 2010, has had an assessed valuation of at least six hundred million dollars for at least five years may, by resolution of the governing body of the county duly adopted prior to December 31, 2010, elect to remain classified as a county of the second classification until the assessed valuation of the county after 2009 is such as to place it in another classification and it has maintained the necessary valuation for the period of time required by section 48.030.”; and**

Further amend said section, Page 2, Lines 22-25, by deleting all of said lines and inserting in lieu thereof the following:

**“2. The required assessed valuation for each classification under subsection 1 of this section shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price**

**Index for All Urban Consumers (CPI-U) or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ruestman, **House Amendment No. 1** was adopted.

On motion of Representative Franz, **HCS HB 1806, as amended**, was adopted.

On motion of Representative Franz, **HCS HB 1806, as amended**, was ordered perfected and printed.

**HCS HB 1787**, relating to firearms and defensive use of force, was taken up by Representative Jones (117).

Representative Riddle offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1787, Section 571.107, Page 16, Lines 35 to 41, by removing all of said lines from the bill and inserting in lieu thereof the following:

“(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. **Nothing in this subdivision shall preclude a member of the general assembly, a full time employee of the general assembly employed pursuant to section 17, article III, Constitution of Missouri, or legislative employees of the general assembly as determined under section 21.155, holding a valid concealed carry endorsement, from carrying a concealed firearm in the state capitol building or at a meeting, whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building.** Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(6) **Except as provided in subdivision (5) of subsection 1 of this section** the general assembly, supreme court, county or municipality may by rule,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 1** was adopted.

Representative Munzlinger offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1787, Section 571.030, Page 6, Line 109, by inserting after all of said section, page, and line the following:

**“11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Munzlinger, **House Amendment No. 2** was adopted.

Representative Kratky offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1787, Page 4, Section 571.030, Line 52, by deleting the word “**and**”; and

Further amend said section, Page 4, Line 55, by inserting before the last period “.” the following:

“; and

**(11) Possesses a firearm while also in possession of controlled substances that are sufficient for a felony violation under section 195.202**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kratky, **House Amendment No. 3** was adopted.

Representative Riddle offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1787, Section 571.030, Page 3, Lines 11 and 12, by removing all of said lines from the bill and inserting in lieu thereof the following:

“(5) [Possesses or discharges a projectile weapon while intoxicated; or] **Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon; or**”; and

Further amend said section, Page 5, Lines 76 to 81, by removing all of said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schieffer offered **House Amendment No. 1 to House Amendment No. 4**.

**House Amendment No. 1 to House Amendment No. 4** was withdrawn.

On motion of Representative Riddle, **House Amendment No. 4** was adopted.

On motion of Representative Jones (117), **HCS HB 1787, as amended**, was adopted.

On motion of Representative Jones (117), **HCS HB 1787, as amended**, was ordered perfected and printed by the following vote:

AYES: 125

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Casey
Conway	Corcoran	Cox	Cunningham	Davis

Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Liese	Lipke	Loehner
McClanahan	McGhee	McNary	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Schieffer	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 019

Carter	Colona	Curls	Englund	Jones 63
Kirkton	McDonald	McNeil	Morris	Newman
Oxford	Pace	Schoemehl	Schupp	Spreng
Still	Vogt	Walton Gray	Whitehead	

PRESENT: 000

ABSENT WITH LEAVE: 018

Burnett	Chappelle-Nadal	Cooper	Hobbs	Hoskins 121
Leara	LeBlanc	LeVota	Low	Nasheed
Salva	Scharnhorst	Skaggs	Storch	Tilley
Webb	Yaeger	Zimmerman		

VACANCIES: 001

**HCS HB 1893**, relating to gaming funds, was taken up by Representative Kelly.

Representative Walton Gray offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1893, Page 11, Section 313.835, Lines 206 to 208, by deleting all of said lines and inserting in lieu thereof the following:

**"2009, one half of the next one million two hundred thousand dollars of such proceeds shall be transferred annually, subject to appropriation, to the Veterans commission capital improvement trust fund and the other half of the one million two hundred thousand dollars shall be transferred annually, subject to appropriation, to the early childhood development, education and care fund created in section 161.215.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Walton Gray, **House Amendment No. 1** was adopted.

On motion of Representative Kelly, **HCS HB 1893, as amended**, was adopted.

On motion of Representative Kelly, **HCS HB 1893, as amended**, was ordered perfected and printed.

Representative Smith (14) assumed the Chair.

**HB 2220**, relating to the oath of election judges, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 2220** was ordered perfected and printed.

**HCS#2 HB 1543**, relating to elementary and secondary education, was taken up by Representative Wallace.

Representative Wallace offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Page 11, Section 161.650, Line 30, by inserting after all of said line the following:

**“163.410. 1. Notwithstanding the provisions of section 163.021, in fiscal years 2011 and 2012, if the appropriation for subsections 1 and 2 of section 163.031 is less than the annualized calculation of the amount needed for the phase-in required under subsection 4 for that fiscal year or the appropriation for transportation as provided in subsection 3 of section 163.031 is funded at a level that provides less than seventy-five percent of allowable costs, school districts shall be excused from compliance with spending funds for professional development as required under subsection 1 of section 160.530.**

**2. If the governor withholds funds for the school funding formula basic apportionment under section 163.031, school districts shall be excused from compliance with the statutes listed in subsection 1 of this section in the following fiscal year.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Thomson offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

**“excused from compliance with:**

- (1) Spending funds for professional development as required under subsection 1 of section 160.530; and**
- (2) The fund placement and expenditure requirements of subsection 6 of section 163.031.”; and**

Further amend said amendment, Page 1, Line 13, by adding after all of said line the following:

‘Further amend said bill, Page 27, Section B, Line 2, by adding after all of said line the following:

“Section C. Because immediate action is necessary to synchronize the requirements of section 163.410 of section A of this act with the fiscal year, the enactment of section 163.410 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and enactment of section 163.410 of section A of this act shall be in full force and effect upon its passage and approval or July 1, 2010, whichever is later.”; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Thomson, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Wallace, **House Amendment No. 1, as amended**, was adopted.

Representative Schad offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Page 16, Section 167.117, Line 27, by inserting after all of said line the following:

**“167.128. 1. Notwithstanding the provisions of section 167.121, a student who rides a bus to a school in his or her district of residence with a travel time of more than one hour each way may, with the approval of the receiving district, enroll in the receiving district to attend a school if the travel time to that school is one-half or less of the travel time to the school in the student’s residence district.**

**2. The state aid generated by a student under subsection 1 of this section shall be awarded to the receiving district.**

**3. The receiving district may provide transportation to a student under subsection 1 of this section within the boundaries of the receiving district.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schad, **House Amendment No. 2** was adopted.

Representative Stream offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Page 7, Section 160.261, Line 220, by inserting after all of said line the following:

**“160.400. 1. A charter school is an independent public school.**

**2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:**

**(1) The school board of the district;**

**(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;**

(3) A community college located in the district; or

(4) Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter



school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

**15. In the event that a charter school loses its sponsor or has its charter revoked or rescinded or the charter otherwise expires, the governing board of the charter school and the local school district where the charter school is located may enter into a contract to continue operations of the charter school as a school site of the local school district.**

160.420. 1. Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. The district's policy shall provide that any teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and retains such teacher's seniority rights in the district for three years. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All noncertificated instructional personnel shall be supervised by certificated instructional personnel. A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty-percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection. The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

4. [The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum

assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.] **The instructional employees of a charter school in circumstances described in subsection 15 of section 160.400 shall continue to be employees of the governing board of the former charter school and shall not be considered employees of the local school district; however, such instructional employees shall meet all licensure and certification requirements as determined by the department to perform the duties of a public school teacher.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Pratt resumed the Chair.

Representative Roorda raised a point of order that **House Amendment No. 3** goes beyond the scope of the underlying bill.

The Chair ruled the point of order not well taken.

On motion of Representative Stream, **House Amendment No. 3** was adopted.

Representative Calloway offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Section 167.630, Page 20, Line 16, by inserting after all of said section and line the following:

**“167.750. 1. The provisions of this section shall be known as the "High School Sports Brain Injury Prevention Act". The school board of each school district shall work in concert with the Missouri state high school activities association to develop guidelines and other pertinent information and forms to inform and educate coaches, health care volunteers, youth athletes, and the parents or guardians of youth athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On**

a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete, the athlete's parent or guardian, and the school's health care volunteer prior to the youth athlete's initiating practice or competition.

2. A youth athlete who is suspected for sustaining a concussion or head injury in a practice or game shall be removed from competition at that time and shall not return to play until the requirements of subsection 3 of this section are met.

3. A youth athlete who has been removed from play shall not return to play until the athlete is evaluated by a licensed health care provider within his or her scope of practice and receives written clearance to return to play from that health care provider. No youth athlete shall be allowed to return to play for at least twenty-four hours from the time of injury, and before returning to play it shall be shown that the youth athlete is symptom free both at rest and during exertion. The health care provider authorizing a youth athlete's return to play may be a volunteer. A volunteer health care provider may evaluate a youth athlete in the provider's usual business setting or elsewhere, but in order to qualify as a volunteer under this section, the provider must make it clear at the time of the evaluation that the evaluation is being conducted for no charge. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

4. The school board of each school district shall develop guidelines, structured to follow the guidelines described in this section, for youth athletes that participate in a school-sponsored elementary team.

5. Notwithstanding any law to the contrary, the guidelines established by the Missouri state high school activities association in concert with the local school districts under subsection 1 of this section shall be followed by city youth sport leagues located in each school district. All youth athletes participating in a city-sponsored recreation or competitive sports league, regardless of age, shall be subject to such head injury guidelines.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schaaf offered **House Substitute Amendment No. 1 for House Amendment No. 4.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 4*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Section 167.630, Page 20, Line 16, by inserting immediately after said line the following:

“167.750. 1. The provisions of this section shall be known as the "High School Sports Brain Injury Prevention Act". The school board of each school district shall work in concert with the Missouri state high school activities association to develop guidelines and other pertinent information and forms to inform and educate coaches, health care volunteers, youth athletes, and the parents or guardians of youth athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete, the athlete's parent or guardian, and the school's health care volunteer prior to the youth athlete's initiating practice or competition.

2. A youth athlete who is suspected for sustaining a concussion or head injury in a practice or game shall be removed from competition at that time and shall not return to play until the requirements of subsection 3 of this section are met.

3. A youth athlete who has been removed from play shall not return to play until the athlete is evaluated by a physician, athletic trainer, or physician's assistant, licensed under chapter 334, or a chiropractor licensed under chapter 331, or an advanced practice registered nurse in collaboration with a physician in accordance with chapter 335, and receives written clearance to return to play from that health care provider. No youth athlete shall be allowed to return to play for at least twenty-four hours from the time of injury, and before returning to play it shall be shown that the youth athlete is symptom free both at rest and during exertion. The health care provider authorizing a youth athlete's return to play may be a volunteer. A volunteer health care provider may evaluate a youth athlete in the provider's usual business setting or elsewhere, but in order to qualify as a volunteer under this section, the provider must make it clear at the time of the evaluation that the evaluation is being

conducted for no charge. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

4. The school board of each school district shall develop guidelines, structured to follow the guidelines described in this section, for youth athletes that participate in a school- sponsored elementary team.

5. Notwithstanding any law to the contrary, the guidelines established by the Missouri state high school activities association in concert with the local school districts under subsection 1 of this section shall be followed by city youth sport leagues located in each school district. All youth athletes participating in a city-sponsored recreation or competitive sports league, regardless of age, shall be subject to such head injury guidelines.”; and

Further amend said bill, Page 27, Section B, Line 2, by inserting after all of said line the following:

“Section C. Because immediate action is necessary to ensure public safety, the enactment of section 167.750 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 167.750 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Richard resumed the Chair.

Representative McClanahan offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 4.**

*House Amendment No. 1  
to  
House Substitute Amendment No. 1  
for  
House Amendment No. 4*

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Line 16, by inserting after the words, “**athletic trainer,**” the words, “**registered nurse,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McClanahan moved that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Schaaf moved that **House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 014

Brandom	Brown 149	Bruns	Day	Diehl
Dougherty	Flanigan	Funderburk	Guest	Hobbs
Schaaf	Wilson 119	Wright	Mr Speaker	

NOES: 127

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Bringer	Brown 30	Brown 50	Burlison
Calloway	Carter	Casey	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Grill	Grisamore	Guernsey
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Yaeger	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 021

Burnett	Chappelle-Nadal	Cooper	Gatschenberger	Hoskins 121
Largent	LeBlanc	LeVota	Meadows	Meiners
Roorda	Rucker	Sander	Scharnhorst	Skaggs
Spreng	Storch	Tilley	Vogt	Webb
Zimmerman				

VACANCIES: 001

On motion of Representative Calloway, **House Amendment No. 4** was adopted.

**HCS#2 HB 1543, as amended**, was laid over.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1911** - Elementary and Secondary Education  
**HB 1985** - Judiciary  
**HB 2042** - Local Government  
**HB 2137** - Corrections and Public Institutions  
**HB 2332** - Veterans

**HB 2351** - Special Standing Committee on Urban Issues  
**HB 2361** - Ways and Means  
**HB 2384** - Special Standing Committee on Children and Families  
**HB 2387** - Corrections and Public Institutions  
**HB 2399** - Job Creation and Economic Development

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 36** - Budget

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS#2 SCS SB 577** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**SS SB 578** - Job Creation and Economic Development  
**SS SCS SBs 586 & 617** - Small Business  
**SS SCS SB 588** - Ways and Means  
**SS SB 618** - Special Standing Committee on Health Insurance  
**SB 628** - Ways and Means  
**SB 629** - Health Care Policy  
**SCS SB 630** - Special Standing Committee on Professional Registration and Licensing  
**SCS SB 636** - Health Care Policy  
**SCS SB 644** - Tourism  
**SB 649** - Tourism  
**SB 668** - Local Government  
**SB 669** - Local Government  
**SB 670** - Local Government  
**SB 686** - Ways and Means  
**SB 716** - Transportation  
**SCS SB 721** - Tourism  
**SCS SB 754** - Special Standing Committee on Professional Registration and Licensing  
**SS SB 757** - Budget  
**SB 758** - Financial Institutions  
**SB 771** - Financial Institutions  
**SCS SB 772** - Financial Institutions  
**SB 773** - Financial Institutions  
**SCS SB 774** - Corrections and Public Institutions  
**SCS SB 777** - Financial Institutions  
**SCS SB 778** - Corrections and Public Institutions  
**SS SCS SB 781** - Transportation  
**SB 791** - Utilities  
**SCS SB 829** - Crime Prevention  
**SCS SBs 842, 799 & 809** - Special Standing Committee on General Laws

**SB 844** - Special Standing Committee on General Laws  
**SB 851** - Special Standing Committee on General Laws  
**SCS SB 855** - Special Standing Committee on Children and Families  
**SCS SB 862** - Local Government  
**SCS SB 863** - Local Government  
**SCS SB 887** - Public Safety  
**SCS SB 915** - Local Government  
**SB 1002** - Local Government

## **COMMITTEE REPORTS**

### **Committee on Elections, Chairman Deeken reporting:**

Mr. Speaker: Your Committee on Elections, to which was referred **HJR 64**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **HJR 94**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Financial Institutions, Chairman Cunningham reporting:**

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 1584**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Healthcare Transformation, Chairman Schaaf reporting:**

Mr. Speaker: Your Committee on Healthcare Transformation, to which was referred **HB 1247**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Job Creation and Economic Development, Chairman Flook reporting:**

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 1432**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Ways and Means, Chairman Sutherland reporting:**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1244**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 77**, introduced by Representatives Franz, Richard, Pratt, Self, Sater, Nieves, Fisher (125), Dusenberg, Scharnhorst, Funderburk, Tilley, Day, Bivins, Kingery, Diehl, Ruestman, Allen, Smith (150), Davis, Sutherland, Ayres, Cunningham, Dieckhaus, Wasson, Denison, Wells, Brandom, Pollock, Deeken, Icet, Zerr, Lipke, Dugger, Parkinson, Guernsey, Bruns, Hobbs, Schlottach, Ervin, Lair, Nolte, Schad, Cox, Jones (89), Burlison, Wilson (130), Hoskins (121), Tracy, Viebrock, Ruzicka, Schaaf, Stream, Wilson (119), Dethrow, McNary, Koenig, Dixon, Sander, Emery, Smith (14), Thomson, Brown (149), Kraus, Brown (30), Keeney, Silvey, Jones (117), Schoeller, Guest, Nance, Flanigan and Molendorp, relating to the filing of a Missouri legal challenge to the constitutionality of federal health care legislation.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2404**, introduced by Representative Nance, relating to economic development sales taxes.

**HB 2405**, introduced by Representative Scharnhorst, relating to condominium property.

**HB 2406**, introduced by Representatives Scharnhorst, Jones (89), Dieckhaus, Nieves and Walton Gray, relating to an income tax deduction for educational expenses.

**HB 2407**, introduced by Representatives Harris and Liese, relating to uniform common interest owners bill of rights act.

**HB 2408**, introduced by Representatives Schlottach and Bivins, relating to the public counsel.

**HB 2409**, introduced by Representatives Denison, McNary, Pollock, Wells, Hobbs, Schlottach, Jones (89), Cunningham, Wasson, Scharnhorst, Thomson, Burlison, Schoeller, Schaaf, Fisher (125) and Stream, relating to the employment of retired teachers.

**HB 2410**, introduced by Representatives Dougherty, Witte, Swinger, Skaggs, McGhee, Jones (117), Tracy, McDonald, Meadows, Viebrock, Bringer, LeVota, Hodges, Hoskins (80), Parkinson, Colona, Schaaf, Gatschenberger, Guest, Deeken and Oxford, relating to prohibited acts by elected and appointed public officials and employees.

**HB 2411**, introduced by Representatives Colona, Dougherty, Hummel and McDonald, relating to the motorist insurance identification database act.

**HB 2412**, introduced by Representative Smith (150), relating to the purchase of health insurance.

**HB 2413**, introduced by Representatives Stream, Corcoran and Zimmerman, relating to foster care.



**HB 2414**, introduced by Representatives Hobbs and Kuessner, relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions.

**HB 2415**, introduced by Representative Walsh, relating to workers' compensation.

**HB 2416**, introduced by Representative Parson, relating to a special license plate.

**HB 2417**, introduced by Representative Roorda, relating to transfer of the Missouri state water patrol to the division of water patrol within the Missouri state highway patrol.

**HB 2418**, introduced by Representative Nolte, relating to required participation in a federal work authorization program.

**HB 2419**, introduced by Representatives Carter and Curls, relating to eligibility for food stamps.

### LETTER OF OBJECTION

March 30, 2010

D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Room 306C, Capitol Building  
Jefferson City, MO 65101

Dear Mr. Clerk:

We, the undersigned members of the House of Representatives hereby object to the placement of **House Bill No. 2297** on the House Bills for Perfection - Consent Calendar.

Respectfully,

/s/ Doug Ervin	District 35
/s/ Mike McGhee	District 122
/s/ Rob Schaaf	District 28
/s/ Trent Skaggs	District 31
/s/ Jeff Roorda	District 102

### ADVANCEMENT OF HOUSE CONSENT BILLS

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 1868, HB 1942, HB 2056, HB 1609, HCS HB 1764, HCS HB 1977, HB 2109, HB 2114, HCS HBs 2147 & 2261, HB 2182, HB 2205, HB 2226, HCS HB 2231, HB 2290, HB 2270, HB 2285, HB 1990, HB 1832, HCS HB 2219, HCS HB 2043, HB 1654, HB 1538 and HCS HB 1271.**

### ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, March 31, 2010.

## **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Forty-third day, Monday, March 29, 2010, Page 749, Line 19, by inserting immediately after said line the following:

**HB 2388** - Special Standing Committee on Professional Registration and Licensing

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Thursday, April 1, 2010, 8:00 a.m. Hearing Room 6.

Work session.

Possible Executive session.

#### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Thursday, April 1, 2010, 9:30 a.m. House Chamber south gallery.

Executive session. AMENDED

#### **CRIME PREVENTION**

Wednesday, March 31, 2010, Hearing Room 5 upon morning recess.

Possible Executive session may follow.

Public hearing to be held on: HB 1293, HB 1551

#### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, March 31, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearing to be held on: HB 1274

#### **FINANCIAL INSTITUTIONS**

Wednesday, March 31, 2010,

Hearing Room 6, 5:30 p.m. or upon adjournment if later than 5:30 p.m.

Presentation on lending.

Executive session may follow. AMENDED

Public hearing to be held on: HCR 70

#### **FISCAL REVIEW**

Wednesday, March 31, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

#### **FISCAL REVIEW**

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, March 31, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.  
Executive session.

INSURANCE POLICY

Wednesday, March 31, 2010, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: HB 2222

INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, March 31, 2010, 5:00 p.m. Hearing Room 7.  
Executive session.

JUDICIARY

Wednesday, March 31, 2010, Hearing Room 1 upon morning recess.  
Executive session may follow.  
Public hearing to be held on: HB 1252, HB 1319, HB 1380

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, March 31, 2010, Hearing Room 2 upon morning recess.  
Possible Executive session.  
Public hearing to be held on: HCS HJR 63, HJR 78, HCS HB 1644,  
HCS HB 1695, 1742 & 1674, HCS HB 1812, HCS HB 2053, HB 2272

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, March 31, 2010, 8:00 a.m. Hearing Room 1.  
Informational workshop regarding birth certificates for adoptees.  
Continuation of Public hearing on HB 1725.  
Public hearing to be held on: HB 1725

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.  
Executive session will be held.

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION  
FUNDING

Monday, April 12, 2010, 10:00 a.m.  
APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.  
Tour of storage yard and asphalt plant to increase familiarity with  
asphalt and applications using asphalt.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 31, 2010, 12:00 p.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: HB 2388, HB 1989, HB 1845, HB 1449, HB 1738

**TAX REFORM**

Wednesday, March 31, 2010, 8:45 a.m. Hearing Room 5.

Executive session may be held. AMENDED

Public hearing to be held on: HB 2373, HB 2390

**TAX REFORM**

Thursday, April 1, 2010, 9:30 a.m. House Chamber side gallery.

Executive session will be held on: HB 2373, HB 2390

**TRANSPORTATION**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**WAYS AND MEANS**

Wednesday, March 31, 2010, Hearing Room 3 upon morning recess.

Possible Executive session.

Public hearing to be held on: HB 1647, HB 2252, HB 2302

**HOUSE CALENDAR**

FORTY-FIFTH DAY, WEDNESDAY, MARCH 31, 2010

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 77

**HOUSE BILLS FOR SECOND READING**

HB 2404 through HB 2419

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HCS HJR 45, 69 & 70 - Kingery

2 HJR 88 - Nieves

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 1684, as amended, HA 2, pending - Zerr

2 HCS#2 HB 1543, as amended - Wallace

3 HCS HB 1601 - Nasheed

4 HCS HB 2026 - Hobbs

5 HB 1254 - Wilson (119)

6 HCS HB 2048 - Sutherland

7 HCS HB 2297 - Molendorp

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/24/2010)

- 1 HCS HB 1898 - Zerr
- 2 HB 2317 - Tracy
- 3 HCS HB 1848 - Holsman
- 4 HB 1640 - Roorda
- 5 HB 1894 - Bringer

**HOUSE BILLS FOR THIRD READING**

- 1 HB 2294 - Dugger
- 2 HCS HB 1747 - Viebrock
- 3 HB 1372 - Parson
- 4 HB 1494 - Schaaf

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HCS HB 1858 - Zimmerman
- 2 HB 1868 - Scharnhorst
- 3 HB 1942 - Parson
- 4 HB 2056 - Diehl
- 5 HB 1609 - Diehl
- 6 HCS HB 1764 - Diehl
- 7 HCS HB 1977 - Wasson
- 8 HB 2109 - Ruzicka
- 9 HB 2114 - Hoskins (121)
- 10 HCS HBs 2147 & 2261 - Brown (149)
- 11 HB 2182 - Munzlinger
- 12 HB 2205 - Burlison
- 13 HB 2226 - Wasson
- 14 HCS HB 2231 - Wasson
- 15 HB 2290 - Wasson
- 16 HB 2270 - Cooper
- 17 HB 2285 - Thomson
- 18 HB 1990 - Wells
- 19 HB 1832 - Wells
- 20 HCS HB 2219 - LeBlanc
- 21 HCS HB 2043 - Brown (30)
- 22 HB 1654 - Zimmerman
- 23 HB 1538 - Dusenberg
- 24 HCS HB 1271 - Brown (30)

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-FIFTH DAY, WEDNESDAY, MARCH 31, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

We praise You, Lord God, the preeminent One, who reigns supreme over all things in Heaven and on Earth.

Lord God, our agenda may be filled with various bills to consider, but, ultimately, only the wisdom of Your agenda will prevail. You have already been where we are going yet we neglect to ask directions. You have already declared the beginning from the end, yet we move forward with our plans. You have made everything pleasing in its time.

You have also planted eternity in our hearts and minds [a divinely implanted sense of a purpose that only You, alone, can satisfy], yet we often seek to fill that longing in ways that contradict good order, discipline and rational.

Steady our thoughts, actions and words. Desperate, we throw ourselves on You: You are God! Our times and schedules are in Your hand, safe from the outstretched hand of selfishness, pride and fiscal instability.

So teach us to understand and properly access our days, that we may gain a heart of wisdom.

Now may the Lord, our God, who has loved us and given us everlasting consolation and good hope by grace, comfort our hearts and establish us in every good word and work.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Leah Pratt, Benjamin Pratt, Ava Pratt, Alexis Roark, Grace O'Neal Schad, Harry Truman Schad, Thomas Gray, Mason Gray, Katelyn Bird, Karissa Bird, Madison Gayer and Senator Jim Lembke.

The Journal of the forty-fourth day was approved as printed.

## SPECIAL RECOGNITION

Members of the Alliance of Boys & Girls Club of Missouri were introduced by Representative Tilley and recognized for their participation in the 2010 Youth of the Year Competition.

Representative Mike Cunningham was presented a plaque from the Missouri Grocers Association and recognized for his outstanding citizenship and service to the state of Missouri.

## HOUSE RESOLUTION

Representatives Nolte and Schlottach offered House Resolution No. 1581.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1570 through House Resolution No. 1580

House Resolution No. 1582 through House Resolution No. 1595

## HOUSE CONCURRENT RESOLUTION

Representative Dethrow offered House Concurrent Resolution No. 78.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 77** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2404** through **HB 2419** were read the second time.

Representative Nieves assumed the Chair.

## PERFECTION OF HOUSE BILL

**HCS HB 1601**, relating to the City of St. Louis Police Force, was taken up by Representative Nasheed.

Representative Brown (30) offered **House Amendment No. 1**.

Representative Hoskins (80) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Dusenberg offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1601, Page 2, Section 84.348, Line 3, by inserting after all of said line the following:

**“Section 1. The chief of police of the city for any city not within a county shall be the chief law enforcement officer of such city.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Burnett offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1  
to  
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1601, Page 1, Line 5, insert after the word "City" the following:

"upon voter approval of the Board of Alderman".

Speaker Richard resumed the Chair.

Representative Burnett moved that **House Amendment No. 1 to House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Atkins	Aull	Biermann	Brandom	Bringer
Brown 50	Burlison	Burnett	Calloway	Carter
Casey	Conway	Cunningham	Curls	Day
Englund	Flanigan	Frame	Grill	Harris
Hoskins 80	Hughes	Hummel	Jones 63	Kelly
Kirkton	Koenig	Komo	Kraus	Kuessner
Largent	LeVota	Low	McClanahan	McDonald
McGhee	McNeil	Molendorp	Morris	Nasheed
Newman	Norr	Oxford	Pace	Pratt
Quinn	Roorda	Rucker	Ruestman	Schoeller
Schoemehl	Schupp	Self	Skaggs	Smith 150
Stevenson	Still	Talboy	Tilley	Tracy
Walton Gray	Wasson	Webb	Webber	Whitehead
Yaeger	Mr Speaker			

NOES: 081

Allen	Ayres	Bivins	Brown 30	Brown 149
Bruns	Chappelle-Nadal	Colona	Cooper	Cox
Davis	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hodges
Holsman	Icey	Jones 89	Jones 117	Keeney
Kingery	Kratky	Lair	Lampe	Leara
Lipke	Loehner	McNary	Meiners	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Riddle	Ruzicka	Salva	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Silvey
Smith 14	Spreng	Stream	Sutherland	Swinger
Thomson	Vogt	Wallace	Walsh	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr				



PRESENT: 001

Kander

ABSENT WITH LEAVE: 013

Corcoran	Hoskins 121	LeBlanc	Liese	Meadows
Sander	Scavuzzo	Schlottach	Shively	Storch
Todd	Viebrock	Zimmerman		

VACANCIES: 001

Representative Nieves resumed the Chair.

On motion of Representative Dusenberg, **House Amendment No. 2** was adopted by the following vote:

AYES: 112

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Calloway	Casey	Chappelle-Nadal	Colona	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Icet	Jones 89	Keeney
Kelly	Kingery	Koenig	Kratky	Kraus
Kuessner	Lair	Largent	Leara	Liese
Loehner	McClanahan	McDonald	McGhee	McNary
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Pollock	Pratt	Riddle
Roorda	Ruestman	Ruzicka	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Tracy
Vogt	Wallace	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 039

Biermann	Bringer	Brown 50	Burnett	Carter
Conway	Curls	Franz	Grill	Hoskins 80
Hughes	Hummel	Jones 63	Jones 117	Kirkton
Komo	Lampe	LeVota	Lipke	Low
McNeil	Morris	Nasheed	Newman	Norr
Oxford	Pace	Parson	Quinn	Rucker
Schupp	Skaggs	Still	Talboy	Walton Gray
Webb	Webber	Whitehead	Yaeger	

PRESENT: 001

Kander

ABSENT WITH LEAVE: 010

Corcoran	Hoskins 121	LeBlanc	Meadows	Scavuzzo
Shively	Storch	Todd	Viebrock	Zimmerman

VACANCIES: 001

Representative Brown (30) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1601, Section 84.010, Page 2, Line 19, by inserting after all of said line the following:

“84.020. In all cities of this state that now have, or may hereafter attain, a population of five hundred thousand inhabitants or over, there shall be, and is hereby established, within and for said cities, a board of police, to consist of [four] **seven** commissioners, as provided in sections 84.040 to 84.080, together with the mayor of said cities for the time being, or whosoever may be officially acting in that capacity, and said board shall appoint one of its members as president, and one member who shall act as vice president during the absence of the president; and such president or vice president shall be the executive officer of the board and shall act for it when the board is not in session.

84.030. **1.** Beginning on January 9, 1989, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint [the] four **of the** commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.

**2.** Beginning on January 1, 2011, the mayor of the city shall appoint three of the commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; and one commissioner shall be appointed for a term of three. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The mayor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years.

84.070. A majority of the boards of police shall constitute a quorum; and the failure or refusal of the mayor or acting mayor of said cities to qualify or act hereunder shall in no wise impair the right or duty of said commissioners to organize and proceed as herein provided in sections 84.010 to 84.340. In case a vacancy shall occur on said board, the same shall be filled by the governor of the state of Missouri **or the mayor of the city** forthwith, after having been notified that such vacancy exists.

84.080. **Except for members of the board of aldermen of the city appointed by the mayor as police commissioners under section 84.030 in their capacity as members of the board of aldermen**, any one of said commissioners, who, during his term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining same within twenty days succeeding such nomination, or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to thereby forfeit or vacate his office. Any of said commissioners **appointed by the governor** may be removed by the governor of the state of Missouri upon his being fully satisfied that the commissioner is guilty of any official misconduct. **Any of said commissioners appointed by the mayor may be removed by the mayor of the city upon the mayor being fully satisfied that the commissioner is guilty of any official misconduct.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Whitehead raised a point of order that **House Amendment No. 3** is not germane.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Chappelle-Nadal	Cooper
Cox	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberger	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 80
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Wallace	Wasson	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Zerr
Mr Speaker				

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Colona	Conway
Corcoran	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meiners	Morris	Nasheed	Newman

Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Witte	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 011

Calloway	Cunningham	Funderburk	Hoskins 121	LeBlanc
Meadows	Scharnhorst	Storch	Viebrock	Wright
Zimmerman				

VACANCIES: 001

On motion of Representative Brown (30), **House Amendment No. 3** was adopted by the following vote:

AYES: 076

Atkins	Ayres	Biermann	Bivins	Brown 30
Bruns	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Davis	Deeken	Dixon
Dougherty	Dusenberg	Emery	Englund	Ervin
Fallert	Fischer 107	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grisamore	Guest	Harris
Hodges	Hummel	Icet	Jones 89	Jones 117
Kelly	Kirkton	Komo	Kratky	Kraus
Lair	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	Meiners	Munzlinger	Nance
Nieves	Nolte	Parkinson	Pollock	Pratt
Roorda	Ruzicka	Salva	Scavuzzo	Schaaf
Schad	Scharnhorst	Schoemehl	Shively	Silvey
Smith 14	Spreng	Swinger	Thomson	Todd
Vogt	Walsh	Wells	Witte	Yaeger
Zerr				

NOES: 075

Allen	Aull	Brandom	Bringer	Brown 50
Brown 149	Burlison	Burnett	Carter	Cox
Curls	Day	Denison	Dethrow	Dieckhaus
Diehl	Dugger	Faith	Fisher 125	Franz
Grill	Guernsey	Hobbs	Holsman	Hoskins 80
Hughes	Jones 63	Keeney	Kingery	Koenig
Kuessner	Lampe	Largent	LeVota	Low
McDonald	McNary	McNeil	Molendorp	Morris
Nasheed	Newman	Norr	Oxford	Pace
Parson	Quinn	Riddle	Rucker	Ruestman
Sander	Sater	Schieffer	Schlottach	Schoeller
Schupp	Self	Skaggs	Smith 150	Stevenson
Still	Stream	Sutherland	Talboy	Tilley
Tracy	Wallace	Walton Gray	Wasson	Webb
Webber	Weter	Whitehead	Wilson 130	Mr Speaker

PRESENT: 002

Kander Wilson 119

ABSENT WITH LEAVE: 009

Calloway	Cunningham	Hoskins 121	LeBlanc	Meadows
Storch	Viebrock	Wright	Zimmerman	

VACANCIES: 001

Speaker Pro Tem Pratt assumed the Chair.

Representative Jones (63) offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1601, Page 2, Section 84.347, Line 1, by deleting all of said line and inserting in lieu thereof the following:

**"84.347. Upon the effective date of this statute the provisions of subsection 1 of section 84.010 and sections 84.015, 84.020,"; and**

Further amend said bill, Page 2, Section 84.347, Lines 5 and 6, by deleting all of said lines and inserting in lieu thereof the following:

**"the board of police under sections 84.020 and 84.030 shall not apply to any city not within a county that establishes and maintains a municipal police force under sections 84.345 and 84.346 except that the provisions of sections 84.160, 84.330, and 84.340 shall still apply for the purposes of sections 86.010, 86.200, 105.726, and 571.010."; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Jones (63), **House Amendment No. 4** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson

Stream	Sutherland	Thomson	Tilley	Tracy
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Zerr	Mr Speaker		

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	

PRESENT: 000

ABSENT WITH LEAVE: 010

Cunningham	Franz	Hoskins 121	LeBlanc	Meadows
Salva	Storch	Viebrock	Wright	Zimmerman

VACANCIES: 001

Representative Nasheed moved that **HCS HB 1601, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 066

Allen	Aull	Brandom	Bringer	Brown 149
Burlison	Burnett	Carter	Cox	Day
Denison	Dieckhaus	Diehl	Dugger	Faith
Fisher 125	Franz	Guernsey	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kingery	Koenig
Kuessner	Lair	Lampe	Largent	LeVota
Loehner	Low	McNary	Molendorp	Morris
Nasheed	Newman	Oxford	Pace	Parson
Quinn	Riddle	Rucker	Sander	Sater
Schlottach	Schoeller	Schupp	Self	Smith 150
Stevenson	Still	Stream	Sutherland	Talboy
Tilley	Tracy	Wallace	Walton Gray	Wasson
Webb	Webber	Whitehead	Wilson 119	Wilson 130
Mr Speaker				

NOES: 086

Atkins	Ayres	Biermann	Bivins	Brown 30
Brown 50	Bruns	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Curls
Davis	Deeken	Dethrow	Dixon	Dougherty

Dusenberg	Emery	Englund	Ervin	Fallert
Fischer 107	Flanigan	Flook	Frame	Funderburk
Gatschenberger	Grill	Grisamore	Guest	Harris
Hobbs	Hodges	Ice	Jones 89	Jones 117
Keeney	Kelly	Kirkton	Komo	Kratky
Kraus	Leara	Liese	Lipke	McClanahan
McDonald	McGhee	Meiners	Munzlinger	Nance
Nieves	Nolte	Norr	Parkinson	Pollock
Pratt	Roorda	Ruestman	Ruzicka	Salva
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schoemehl	Shively	Silvey	Skaggs	Smith 14
Spreng	Swinger	Thomson	Todd	Vogt
Walsh	Wells	Weter	Witte	Yaeger
Zerr				

PRESENT: 002

Kander	McNeil
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ABSENT WITH LEAVE: 008

Cunningham	Hoskins 121	LeBlanc	Meadows	Storch
Viebrock	Wright	Zimmerman		

VACANCIES: 001

Representative Nasheed moved that **HB 1601** be ordered perfected and printed.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Zerr	Mr Speaker	

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal

Colona	Conway	Curls	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	LeVota	Liese	Low	McNeil
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	

PRESENT: 001

McDonald

ABSENT WITH LEAVE: 013

Corcoran	Cunningham	Dougherty	Hoskins 121	Lampe
LeBlanc	McClanahan	Meadows	Nasheed	Storch
Viebrock	Wright	Zimmerman		

VACANCIES: 001

Representative Nasheed again moved that **HB 1601** be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 063

Allen	Aull	Brandom	Bringer	Brown 149
Burlison	Burnett	Carter	Conway	Cooper
Cox	Day	Denison	Dieckhaus	Diehl
Dugger	Faith	Fisher 125	Franz	Guernsey
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kingery	Koenig	Kuessner	Lair	Largent
LeVota	Loehner	Low	McNary	Molendorp
Morris	Nasheed	Newman	Oxford	Pace
Quinn	Riddle	Rucker	Sater	Schlottach
Schoeller	Self	Smith 150	Stevenson	Still
Stream	Sutherland	Talboy	Tilley	Tracy
Wallace	Walton Gray	Webb	Webber	Whitehead
Wilson 119	Wilson 130	Mr Speaker		

NOES: 086

Atkins	Ayres	Biermann	Bivins	Brown 30
Brown 50	Bruns	Calloway	Casey	Chappelle-Nadal
Colona	Curls	Davis	Deeken	Dethrow
Dixon	Dusenberg	Emery	Englund	Ervin
Fallert	Fischer 107	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Icet	Jones 89
Jones 117	Keeney	Kelly	Kirkton	Komo
Kratky	Kraus	Leara	Liese	Lipke
McClanahan	McDonald	McGhee	Meiners	Munzlinger
Nance	Nieves	Nolte	Norr	Parkinson



Parson	Pollock	Pratt	Roorda	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Spreng
Swinger	Thomson	Todd	Vogt	Walsh
Wasson	Wells	Weter	Witte	Yaeger
Zerr				

PRESENT: 002

Kander	McNeil
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ABSENT WITH LEAVE: 011

Corcoran	Cunningham	Dougherty	Hoskins 121	Lampe
LeBlanc	Meadows	Storch	Viebrock	Wright
Zimmerman				

VACANCIES: 001

On motion of Representative Tilley, the House recessed until 2:15 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

### PERFECTION OF HOUSE BILL

**HCS HB 2297**, relating to the Kansas City Zoological District, was taken up by Representative Molendorp.

Representative Ervin offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2297, Page 1, Section 184.500, Lines 6-7, by deleting all of said lines and inserting in lieu thereof the following:

**“thousand inhabitants, any”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ervin moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Brandom	Brown 30	Burlison	Cox	Denison
Dethrow	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Gatschenberger	Grisamore	Guest	Keeney	Kingery
Koenig	Kraus	Lipke	Loehner	Nance

Pratt	Ruestman	Ruzicka	Schaaf	Schad
Schoeller	Stevenson	Stream	Tilley	Tracy
Viebrock	Wallace	Weter	Wilson 119	Wright
Mr Speaker				

NOES: 093

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Bringer	Brown 50	Brown 149	Bruns
Burnett	Calloway	Carter	Conway	Corcoran
Curls	Day	Deeken	Dieckhaus	Englund
Fallert	Fischer 107	Flanigan	Frame	Franz
Funderburk	Grill	Guernsey	Harris	Hobbs
Hodges	Holsman	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	LeVota
Liese	Low	McDonald	McNary	McNeil
Molendorp	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Quinn	Riddle	Scavuzzo	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Still	Sutherland	Swinger	Talboy	Thomson
Todd	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Whitehead	Wilson 130	Witte
Yaeger	Zerr	Zimmerman		

PRESENT: 001

Sander

ABSENT WITH LEAVE: 027

Casey	Chappelle-Nadal	Colona	Cooper	Cunningham
Davis	Dougherty	Hoskins 80	Hoskins 121	Icet
Jones 89	Jones 117	Leara	LeBlanc	McClanahan
McGhee	Meadows	Meiners	Morris	Munzlinger
Roorda	Rucker	Salva	Sater	Spreng
Storch	Vogt			

VACANCIES: 001

Representative Wilson (130) assumed the Chair.

On motion of Representative Molendorp, **HCS HB 2297** was adopted.

On motion of Representative Molendorp, **HCS HB 2297** was ordered perfected and printed.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HCS HB 1858**, relating to environmental literacy scholarships, was taken up by Representative Zimmerman.

On motion of Representative Zimmerman, **HCS HB 1858** was read the third time and passed by the following vote:

AYES: 128

Allen	Atkins	Aull	Ayres	Biermann
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Conway	Cooper	Corcoran	Cox	Curls
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Flanigan
Flook	Frame	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Walton Gray	Webb	Webber	Weter
Whitehead	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 016

Bivins	Davis	Dethrow	Dugger	Fisher 125
Franz	Grisamore	Koenig	Leara	Pollock
Sater	Schad	Schoeller	Stevenson	Wallace
Wilson 119				

PRESENT: 000

ABSENT WITH LEAVE: 018

Calloway	Chappelle-Nadal	Colona	Cunningham	Hoskins 121
Jones 89	LeBlanc	Meadows	Roorda	Salva
Schoemehl	Smith 150	Spreng	Storch	Vogt
Walsh	Wasson	Wells		

VACANCIES: 001

Representative Wilson (130) declared the bill passed.

**HB 1868**, relating to the State Records Commission, was taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **HB 1868** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Conway	Cooper	Corcoran	Cox
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 001

Davis

PRESENT: 000

ABSENT WITH LEAVE: 016

Calloway	Chappelle-Nadal	Colona	Cunningham	Dethrow
Guest	Hoskins 121	LeBlanc	Meadows	Roorda
Spreng	Storch	Vogt	Wallace	Walsh
Wright				

VACANCIES: 001

Representative Wilson (130) declared the bill passed.

**HB 1942**, relating to emergency 911 board members, was taken up by Representative Parson.

On motion of Representative Parson, **HB 1942** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Conway	Cooper	Corcoran	Cox
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Calloway	Chappelle-Nadal	Colona	Cunningham	Curls
Hobbs	Hoskins 121	LeBlanc	Liese	Meadows
Spreng	Storch	Talboy	Vogt	Wallace
Walsh				

VACANCIES: 001

Representative Wilson (130) declared the bill passed.

**HB 2056**, relating to court records, was taken up by Representative Diehl.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Diehl, **HB 2056** was read the third time and passed by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Iceet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 001

Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Chappelle-Nadal	Cunningham	Hoskins 121	LeBlanc
Meadows	Spreng	Storch	Vogt	Wallace

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

Speaker Richard resumed the Chair.

**HB 1609**, relating to assignments by a presiding judge, was taken up by Representative Diehl.

On motion of Representative Diehl, **HB 1609** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Still
Stream	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 001

Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Chappelle-Nadal	Cunningham	Hoskins 121	LeBlanc
LeVota	Meadows	Spreng	Storch	Sutherland
Talboy	Vogt			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1764**, relating to domestic insurance companies, was taken up by Representative Diehl.

On motion of Representative Diehl, **HCS HB 1764** was read the third time and passed by the following vote:

AYES: 137

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Carter	Casey	Colona	Conway
Cooper	Corcoran	Cox	Curls	Davis
Day	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hummel	Icet	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 012

Bringer	Burnett	Frame	Hughes	Kander
Kirkton	LeVota	Low	McNeil	Newman
Skaggs	Still			

PRESENT: 000

ABSENT WITH LEAVE: 013

Ayres	Calloway	Chappelle-Nadal	Cunningham	Deeken
Hoskins 121	LeBlanc	Liese	Meadows	Ruestman
Spreng	Storch	Vogt		

VACANCIES: 001



Speaker Richard declared the bill passed.

**HCS HB 1977**, relating to emergency services, was taken up by Representative Wasson.

On motion of Representative Wasson, **HCS HB 1977** was read the third time and passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Lipke	Loehner	Low	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Calloway	Chappelle-Nadal	Cunningham	Hoskins 121	Hughes
LeBlanc	Liese	McClanahan	Meadows	Nasheed
Spreng	Storch	Talboy	Vogt	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 2109**, relating to the Clean Water Commission, was taken up by Representative Ruzicka.

On motion of Representative Ruzicka, **HB 2109** was read the third time and passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Stream	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 008

Burnett	Dusenberg	Ervin	Hughes	Kraus
LeVota	Low	Skaggs		

PRESENT: 000

ABSENT WITH LEAVE: 013

Calloway	Chappelle-Nadal	Cunningham	Hoskins 121	LeBlanc
Meadows	Molendorp	Rucker	Scharnhorst	Spreng
Storch	Sutherland	Vogt		

VACANCIES: 001

Speaker Richard declared the bill passed.

Representative Sutherland assumed the Chair.

**HCS HBs 2147 & 2261**, relating to the A+ Program, was taken up by Representative Brown (149).

On motion of Representative Brown (149), **HCS HBs 2147 & 2261** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Englund	Ervin	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 004

Pollock	Sater	Schad	Wallace
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PRESENT: 000

ABSENT WITH LEAVE: 014

Calloway	Casey	Chappelle-Nadal	Cunningham	Dougherty
Faith	Hobbs	Hoskins 121	LeBlanc	Meadows
Molendorp	Nasheed	Storch	Vogt	

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 2182**, relating to agritourism, was taken up by Representative Munzlinger.

On motion of Representative Munzlinger, **HB 2182** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 007

Burnett	Hughes	LeVota	Schupp	Skaggs
Still	Talboy			

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Chappelle-Nadal	Cunningham	Hoskins 121	LeBlanc
Meadows	Storch	Tracy	Viebrock	

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 2205**, relating to health insurance information, was taken up by Representative Burlison.

On motion of Representative Burlison, **HB 2205** was read the third time and passed by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hummel	Ice	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Vogt
Wallace	Walsh	Walton Gray	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 017

Burnett	Englund	Grill	Holsman	Hughes
Kander	Kirkton	Kuessner	LeVota	Newman
Oxford	Schupp	Skaggs	Spreng	Still
Talboy	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Chappelle-Nadal	Cunningham	Dougherty	Hoskins 121
LeBlanc	Meadows	Storch	Viebrock	Wasson

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 2226**, relating to marital and family therapists, was taken up by Representative Wasson.

On motion of Representative Wasson, **HB 2226** was read the third time and passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Colona
Conway	Cooper	Corcoran	Cox	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 004

Burnett	Hughes	Skaggs	Still
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PRESENT: 000

ABSENT WITH LEAVE: 011

Brandom	Calloway	Chappelle-Nadal	Cunningham	Dougherty
Hoskins 121	LeBlanc	Meadows	Nasheed	Storch
Viebrock				

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HCS HB 2231**, relating to cremated human remains disposition, was taken up by Representative Wasson.

On motion of Representative Wasson, **HCS HB 2231** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 004

Hughes	Kirkton	Talboy	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 013

Burnett	Calloway	Chappelle-Nadal	Cunningham	Denison
Hoskins 121	LeBlanc	Meadows	Nasheed	Parkinson
Quinn	Storch	Viebrock		

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 2290**, relating to eligibility for public assistance, was taken up by Representative Wasson.

On motion of Representative Wasson, **HB 2290** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Carter	Colona
Conway	Cooper	Corcoran	Cox	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Norr
Oxford	Pace	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Brown 50	Calloway	Casey	Chappelle-Nadal	Cunningham
Hoskins 121	LeBlanc	McGhee	Meadows	Nasheed
Nolte	Parkinson	Parson	Schlottach	Schupp
Storch	Viebrock			

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 2270**, relating to SAFE CARE providers, was taken up by Representative Cooper.



On motion of Representative Cooper, **HB 2270** was read the third time and passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Calloway	Chappelle-Nadal	Cunningham	Hobbs
Hoskins 121	LeBlanc	Meadows	Parkinson	Storch
Vogt	Wasson	Webb	Mr Speaker	

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 2285**, relating to a conveyance in Nodaway County, was taken up by Representative Thomson.

On motion of Representative Thomson, **HB 2285** was read the third time and passed by the following vote:

AYES: 126

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Burlison	Carter	Casey	Conway	Corcoran
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hodges	Hoskins 80	Ice	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Webb	Wells	Weter	Whitehead	Wilson 119
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 020

Bringer	Burnett	Colona	Curls	Englund
Frame	Harris	Holsman	Hughes	Hummel
Kander	Kuessner	LeVota	Low	Newman
Schoemehl	Skaggs	Spreng	Talboy	Webber

PRESENT: 000

ABSENT WITH LEAVE: 016

Bruns	Calloway	Chappelle-Nadal	Cooper	Cox
Cunningham	Hobbs	Hoskins 121	LeBlanc	Meadows
Parson	Salva	Storch	Vogt	Wasson
Wilson 130				

VACANCIES: 001

Representative Sutherland declared the bill passed.

**HB 1990**, relating to licensure of nurses, was taken up by Representative Wells.

On motion of Representative Wells, **HB 1990** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Wallace	Walsh
Walton Gray	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Bruns	Calloway	Chappelle-Nadal	Cunningham	Hobbs
Hoskins 80	Hoskins 121	Hughes	LeBlanc	McClanahan
Meadows	Salva	Sander	Spreng	Storch
Viebrock	Vogt	Wasson		

VACANCIES: 001

Representative Sutherland declared the bill passed.

Representative Stevenson assumed the Chair.

**HB 1832**, relating to complaints against professionals, was taken up by Representative Wells.

On motion of Representative Wells, **HB 1832** was read the third time and passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Burlison	Carter	Casey	Conway	Cooper
Corcoran	Cox	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Wells	Weter	Whitehead	Wilson 119
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Burnett	Hughes
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PRESENT: 000

ABSENT WITH LEAVE: 019

Brown 50	Bruns	Calloway	Chappelle-Nadal	Colona
Cunningham	Hobbs	Hoskins 121	LeBlanc	Meadows
Salva	Sander	Schieffer	Spreng	Storch
Talboy	Vogt	Webber	Wilson 130	

VACANCIES: 001

Representative Stevenson declared the bill passed.

**HCS HB 2219**, relating to proclamations by the Governor, was taken up by Representative Hughes.

On motion of Representative Hughes, **HCS HB 2219** was read the third time and passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Colona	Conway	Cooper	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Icet	Jones 63	Jones 89	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Calloway	Chappelle-Nadal	Cunningham	Hobbs
Hoskins 121	Jones 117	LeBlanc	Meadows	Nasheed
Salva	Storch	Vogt	Webber	

VACANCIES: 001

Representative Stevenson declared the bill passed.

**HCS HB 2043**, relating to all-terrain vehicles, was taken up by Representative Brown (30).

On motion of Representative Brown (30), **HCS HB 2043** was read the third time and passed by the following vote:

AYES: 120

Atkins	Aull	Ayres	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Casey	Colona	Conway	Corcoran
Cox	Curls	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hodges	Holsman
Hoskins 80	Hummel	Ice	Jones 63	Jones 89
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	LeVota	Liese	Lochner	McClanahan
McDonald	McGhee	McNary	Meiners	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 025

Biermann	Burnett	Carter	Fischer 107	Grill
Harris	Kander	Kirkton	Lipke	Low
McNeil	Morris	Newman	Oxford	Roorda
Sander	Scavuzzo	Schupp	Still	Talboy
Walton Gray	Webb	Whitehead	Yaeger	Zimmerman

PRESENT: 001

Molendorp

ABSENT WITH LEAVE: 016

Allen	Calloway	Chappelle-Nadal	Cooper	Cunningham
Day	Hoskins 121	Hughes	Jones 117	Kuessner
LeBlanc	Meadows	Spreng	Storch	Vogt
Webber				

VACANCIES: 001

Representative Stevenson declared the bill passed.

**HB 1654**, relating to garnishments, was taken up by Representative Zimmerman.

On motion of Representative Zimmerman, **HB 1654** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Colona	Conway	Corcoran	Cox
Curls	Davis	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Icet	Jones 63	Jones 89	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Calloway	Chappelle-Nadal	Cooper	Cunningham	Day
Hoskins 121	Jones 117	LeBlanc	Meadows	Spreng
Storch	Vogt	Webber		

VACANCIES: 001

Representative Stevenson declared the bill passed.

**HB 1538**, relating to driver's license qualifications, was taken up by Representative Dusenberg.

**HB 1538** was laid over.

## **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 74** - International Trade and Immigration

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1228** - Ways and Means

**HB 1229** - Public Safety

**HB 2353** - Special Standing Committee on Professional Registration and Licensing

**HB 2389** - Special Standing Committee on Health Insurance

## **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SS SCS SB 580** - Local Government

## **RE-REFERRAL OF SENATE BILL**

The following Senate Bill was re-referred to the Committee indicated:

**SCS SB 630** - Financial Institutions

## **COMMITTEE REPORTS**

**Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1966**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2245**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Healthcare Transformation**, Chairman Schaaf reporting:

Mr. Speaker: Your Committee on Healthcare Transformation, to which was referred **HB 1495**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 2357**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1788**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 63**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 78**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1644**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1695, 1742 & 1674**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1812**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2053**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2272**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**ADVANCEMENT OF HOUSE CONSENT BILLS**

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 1898, HB 2317, HCS HB 1848, HB 1640 and HB 1894**.

## **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 98**, introduced by Representative Fischer (107), relating to the general assembly.

## **INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and copies ordered printed:

**HB 2016**, introduced by Representative Icet, relating to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 2420**, introduced by Representatives Kander, Keeney, Lipke, Holsman, Atkins, Dusenberg, Kirkton, Molendorp and Schieffer, relating to child protection.

**HB 2421**, introduced by Representative Faith, relating to motorcycle operator's licenses.

**HB 2422**, introduced by Representatives Faith and Wells, relating to the Missouri GED+ Program.

**HB 2423**, introduced by Representatives Kander, Fisher (125), Holsman, Webber, Dusenberg, Schieffer and Atkins, relating to veteran's preference in state hiring.

**HB 2424**, introduced by Representatives Brown (50), Corcoran, McDonald, Vogt, Lampe, Meiners, Norr, Frame, Calloway, Pace, Walton Gray, Oxford, Jones (63), Casey, Whitehead, Morris, Atkins, Wallace, McNeil, Komo, Kratky, Diehl, Zerr and Flook, relating to the Missouri and Midwest High-Speed Rail Commission.

**HB 2425**, introduced by Representatives Nolte, Allen, Komo, Parkinson, Koenig, Dieckhaus, Diehl, Kelly, Faith, Meadows, Leara, Silvey, Nieves, Flook, Corcoran, Jones (63), Chappelle-Nadal, Zerr, Funderburk and Vogt, relating to job growth.

**HB 2426**, introduced by Representatives Faith and Denison, relating to the designation of high occupancy vehicle lanes and high occupancy toll lanes on the state highway system.

**HB 2427**, introduced by Representatives Jones (89), Icet, Tilley, Schoeller, McNary, Allen, Zerr, Funderburk, Bivins and Schaaf, relating to the school choice tax credit act.

**HB 2428**, introduced by Representative McClanahan, relating to health policy and oversight.

**HB 2429**, introduced by Representative McClanahan, relating to detection devices.

**HB 2430**, introduced by Representative Aull, relating to school food services.

**HB 2431**, introduced by Representative Aull, relating to relocation of a child.

**HB 2432**, introduced by Representative Riddle, relating to central dispatching service for emergency services.

**HB 2433**, introduced by Representatives Schlottach, Kelly, Sater and Icet, relating to state agency fees.

**HB 2434**, introduced by Representatives Carter, Jones (63) and Nasheed, relating to regulation of local law enforcement agencies.

**HB 2435**, introduced by Representatives Nance, Weter, Sater, Nolte and Molendorp, relating to the duties of the Missouri state highway patrol.

**HB 2436**, introduced by Representatives Schad, Pollock and Cooper, relating to prohibiting exceeding certain noise levels on the Lake of the Ozarks.

**HB 2437**, introduced by Representative Grisamore, relating to the family care safety registry.

**HB 2438**, introduced by Representative Grisamore, relating to the Missouri children's services commission.

**HB 2439**, introduced by Representatives Koenig, Funderburk, Parkinson, Tracy, Schoeller, Zerr, McNary, Scharnhorst, Dieckhaus, Nolte and Dugger, relating to the Missouri higher education savings program.

**HB 2440**, introduced by Representative Zimmerman, relating to the sale of kosher food.

**HB 2441**, introduced by Representatives Oxford, Roorda, Norr, Yaeger, Walton Gray, Pace, Atkins, Casey, Morris and Holsman, relating to job growth.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2014**, entitled:

An act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2010.

With Senate Amendment No. 1 and Senate Amendment No. 2.

### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, Page 1, Section 14.005, Line 4, by inserting immediately after the word "formula" the following:

"provided that, notwithstanding the provisions of Section 163.031, RSMo, to the contrary, the Department of Elementary and Secondary Education shall modify the foundation formula phase-in percentages pursuant to Section 163.031.4(4) to accommodate the total amount of available appropriations in fiscal year 2010".

### *Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, Page 3, Section 14.080, Line 2, by inserting after the word "Patrol" the following:

"and other state agencies".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 51**.

## SENATE CONCURRENT RESOLUTION NO. 51

WHEREAS, the State of Missouri contains 553 miles of the Missouri River, which borders 23 Missouri counties and over 50 Missouri communities, making it one of the State's greatest natural resources; and

WHEREAS, the General Assembly recognizes that eighteen power plants, which have the capacity to generate over 11,000 megawatts of electricity, draw cooling water from the lower Missouri River basin; and

WHEREAS, over half of Missouri citizens get their drinking water from the Missouri River and its alluvium, and the State of Missouri has constructed infrastructure to support water supply in the lower Missouri River with the understanding that reliable navigation flows would be maintained in the future; and

WHEREAS, Missouri is the origin or destination for over one-half of all commercial tonnage shipments on the Missouri River, with the Port of St. Louis, just downstream from where the Missouri enters the Mississippi River, being one of the largest inland ports in the United States; and

WHEREAS, the Missouri River is a vital link in the State of Missouri's total transportation system and the General Assembly wishes to maximize this valuable asset in order to move freight and to support our state's economy; and

WHEREAS, barge transport allows for significant economic benefits and cost savings, since one barge can transport the same amount of freight as 16 rail cars or 70 trucks; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains; and

WHEREAS, barges are also the most fuel efficient method of freight transport; barges can move one ton of cargo 576 miles per gallon of fuel, compared to 413 miles per gallon of fuel for rail cars and only 155 miles per gallon of fuel for trucks; and

WHEREAS, the General Assembly recognizes that the State of Missouri is investing more of its resources to develop and improve public ports as intermodal connectors in the state, including those on the Missouri River; and

WHEREAS, in the Flood Control Act of 1944, as amended, the United States Congress authorized the construction of the Missouri River Mainstem Reservoir System for the federal purposes of flood control and navigation, with other authorized purposes including irrigation, power, water supply, water quality and recreation; and

WHEREAS, the June 4, 2003 and August 16, 2005 decisions of the United States Court of Appeals of the Eighth Circuit confirmed that navigation and flood control are the two dominant functions of the Flood Control Act of 1944; and

WHEREAS, the Missouri River is operated in accordance with the updated Missouri River Master Water Control Manual, which contains the management plan for the River and was adopted by the United States Army Corps of Engineers in 2004; and

WHEREAS, the Missouri General Assembly recognizes that the United States Army Corps of Engineers utilized extensive public processes to complete the 2004 Missouri River Master Water Control Manual and worked to balance the needs and desires of many competing stakeholder groups in establishing the Manual's navigation guidelines; and

WHEREAS, the 2004 Missouri River Master Water Control Manual was finalized after 15 years of debate and litigation and after the expenditure of over \$35 million in federal funds; and

WHEREAS, the 2004 Missouri River Master Water Control Manual reduced the length of the navigation season, shifting a large amount of water away from navigation and other downstream uses of the Missouri River to benefit upstream uses, such as reservoir recreation; and

WHEREAS, despite the opposition of Missouri's congressional delegation, the Omnibus Appropriations Act of 2009 authorized the United States Army Corps of Engineers to conduct the Missouri River Authorized Purposes Study at a total cost of \$25,000,000, which will review the original authorized purposes from the Flood Control Act of 1944 and will determine if changes to those purposes and existing Federal water resources infrastructure may be warranted; and

WHEREAS, the United States Army Corps of Engineers began conducting the Missouri River Authorized Purposes Study in October of 2009; and

WHEREAS, the scope of the Missouri River Authorized Purposes Study, as defined by the United States Army Corps of Engineers, exceeds the scope of the Congressional authority for the study, in that the Corps intends to develop recommendations and alternatives to the authorized purposes that Congress did not request; and

WHEREAS, federal taxpayers' dollars should not be wasted to develop recommendations and alternatives that Congress did not authorize; and

WHEREAS, the Consolidated Appropriations Act of 2010 authorized the United States Department of Transportation to conduct an independent and comprehensive study and analysis at a total cost of \$2,000,000 to supplement the Missouri River Authorized Purposes Study and to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers; and

WHEREAS, the Consolidated Appropriations Act of 2010 also authorized the Missouri Department of Transportation to conduct a Missouri River Freight Corridor Study at a total cost of \$900,000, which will examine how to increase freight tonnage moved on the Missouri River, long-term development opportunities along the Missouri River corridor and ways to better use Missouri waterways to relieve infrastructure stress and congestion; and

WHEREAS, at times the Missouri River provides over sixty percent of the water in the Mississippi River that passes St. Louis; and

WHEREAS, if the navigability of the Mississippi River is negatively impacted between the confluence of the Missouri and Mississippi Rivers and the confluence of the Ohio and Mississippi Rivers, barges would no longer be able to travel from the far northern portions of the Mississippi River to the Gulf of Mexico, which would devastate the barge industry, the agricultural industry and the transportation system as a whole; and

WHEREAS, it is imperative that the Missouri River Authorized Purposes Study consider Mississippi River navigation when evaluating if changes to the authorized purposes are warranted:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby express their continued opposition to the Missouri River Authorized Purposes Study; and

BE IT FURTHER RESOLVED that the members hereby express their opposition to the alteration of the Missouri River's primary purposes of navigation and flood control; and

BE IT FURTHER RESOLVED that the members hereby urge the Missouri's congressional delegation to actively oppose funding the Missouri River Authorized Purposes Study in future fiscal years; and

BE IT FURTHER RESOLVED that the members hereby urge the United States Army Corps of Engineers to narrow the scope of the Missouri River Authorized Purposes Study to make it consistent with Congressional authority; and

BE IT FURTHER RESOLVED that the members hereby urge the United States Army Corps of Engineers to include Mississippi River navigation in any evaluation of the authorized purposes under the Missouri River Authorized Purposes Study; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Army Corps of Engineers and the members of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 54**.

SENATE CONCURRENT RESOLUTION NO. 54

WHEREAS, the governor in his budget plan for 2011 relied on \$300 million in funds from the federal government that have not been approved by Congress and may never come to fruition; and

WHEREAS, revenues in Missouri continue to fall well below estimates prepared by the state, forcing the governor to cut funds already appropriated by the legislature in order to balance the budget; and

WHEREAS, at the same time revenues have declined, state government has grown over the years, producing unnecessary programs and inefficient allocations of funds; and

WHEREAS, the Missouri General Assembly through careful planning must identify inefficient and unnecessary areas of government spending in order to ensure the state's resources are being put to a use that most benefits the citizens of this state:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Reducing the Size of State Government; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:

1. Examining each department, and agency within each department, to determine programs or bureaucracies within such department that should be eliminated or reduced; and
2. Developing recommendations, strategies and plans for:
  - (1) Reducing the size of state government;
  - (2) Identifying inefficient and unnecessary uses of state funds;
  - (3) Addressing budget shortfalls; and
  - (4) Other areas that the Committee determines are vital to reducing the size of state government; and
3. Reporting its recommendations to the House Budget Committee and the Senate Appropriations Committee by December 31, 2010; and
4. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, three majority party members, and two minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fifth General Assembly through December 31, 2010; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

In which the concurrence of the House is respectfully requested.

## **COMMUNICATION**

March 31, 2010

Mr. D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives voted today.

During the past year, I and my two law partners at the Barnes Law Firm have served as general counsel to the Fraternal Order of Police. The FOP is known to be strongly opposed to and greatly affected by the issue of local control.

Therefore, I voted "present" on all amendments and the final vote for House Committee Substitute for House Bill No. 1601 sponsored by Representative Nasheed and pertaining to local control the St. Louis Police Department.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House. I thank you for your attention to this matter.

Sincerely,

/s/ Jason Kander  
Representative  
District 44

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, April 1, 2010.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, April 1, 2010, 8:00 a.m. Hearing Room 6.

Work session.

Possible Executive session.

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Thursday, April 1, 2010, 9:30 a.m. House Chamber south gallery.

Executive session. AMENDED

### **FISCAL REVIEW**

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED



FISCAL REVIEW

Wednesday, April 7, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, April 8, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HIGHER EDUCATION

Tuesday, April 6, 2010, 2:00 p.m. House Chamber south gallery.

Executive session.

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 6, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2399, SS SB 578

LOCAL GOVERNMENT

Thursday, April 1, 2010, 9:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 2042

SMALL BUSINESS

Wednesday, April 7, 2010, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearing to be held on: SS SCS SBs 586 & 617

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Thursday, April 1, 2010, 9:00 a.m. House Chamber south gallery.

Executive session will be held.

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, April 6, 2010, 1:30 p.m. Hearing Room 5.

Public hearing to be held on: SS SB 618

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION  
FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with  
asphalt and applications using asphalt.

**SPECIAL STANDING COMMITTEE ON URBAN ISSUES**

Thursday, April 1, 2010, House Chamber north gallery upon morning adjournment.

Executive session may follow.

Public hearing to be held on: HB 2351, HB 2230

**TAX REFORM**

Thursday, April 1, 2010, 9:30 a.m. House Chamber side gallery.

Executive session will be held on: HB 2373, HB 2390

**TRANSPORTATION**

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**HOUSE CALENDAR**

FORTY-SIXTH DAY, THURSDAY, APRIL 1, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 98

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 2016

**HOUSE BILLS FOR SECOND READING**

HB 2420 through HB 2441

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HJR 88 - Nieves
- 3 HCS HJR 63 - Parson
- 4 HJR 78 - Smith (150)

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543, as amended - Wallace
- 3 HCS HB 2026 - Hobbs
- 4 HB 1254 - Wilson (119)
- 5 HCS HB 2048 - Sutherland

**HOUSE BILLS FOR THIRD READING**

- 1 HB 2294 - Dugger
- 2 HCS HB 1747 - Viebrock
- 3 HB 1372 - Parson
- 4 HB 1494 - Schaaf
- 5 HCS HB 1965 - McNary
- 6 HCS HB 1806, E.C. - Franz
- 7 HCS HB 1787 - Jones (117)
- 8 HCS HB 1893 - Kelly
- 9 HB 2220 - Dugger
- 10 HCS HB 2297 - Molendorp

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 2114 - Hoskins (121)
- 2 HB 1538 - Dusenberg
- 3 HCS HB 1271 - Brown (30)
- 4 HCS HB 1898 - Zerr
- 5 HB 2317, E.C. - Tracy
- 6 HCS HB 1848 - Holsman
- 7 HB 1640 - Roorda
- 8 HB 1894 - Bringer

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 2014, as amended - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-SIXTH DAY, THURSDAY, APRIL 1, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

"Come bless the Lord  
all you servants of the Lord."  
*(Psalm 134)*

Almighty God, during this Christian Holy Week, give us the grace to experience our work as serving the people of our State. Receive our hard work and our dedication to serving the people as serving You.

May the Easter holidays be, for all the people, holy days in their own faith and their own communities, and days of refreshment and of celebrating life.

We thank You, Almighty God, for the reprieve and rest that the next few days offer to us.

To You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Makayla Jordan and Marissa Yount.

The Journal of the forty-fifth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1596 through House Resolution No. 1621

## HOUSE CONCURRENT RESOLUTION

Representative Webb, et al., offered House Concurrent Resolution No. 79.

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 98** was read the second time.

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 2016** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 2420** through **HB 2441** were read the second time.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 2114**, relating to military personnel classification, was taken up by Representative Hoskins (121).

On motion of Representative Hoskins (121), **HB 2114** was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 001

Dixon

PRESENT: 000

ABSENT WITH LEAVE: 012

Burnett	Calloway	Cooper	Corcoran	Cunningham
LeBlanc	Meadows	Nasheed	Riddle	Spreng
Storch	Vogt			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 1271**, relating to the official state historical dog, was taken up by Representative Brown (30).

Representative Brown (30) moved that **HCS HB 1271** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 067

Atkins	Biermann	Bivins	Brandom	Brown 30
Brown 50	Brown 149	Chappelle-Nadal	Colona	Conway
Curls	Davis	Day	Deeken	Diehl
Dusenberg	Faith	Fallert	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Hobbs	Holsman	Hughes	Hummel	Icet
Keeney	Kingery	Kirkton	Kratky	Lair
Largent	Leara	Low	McGhee	McNeil
Meiners	Nance	Nasheed	Parkinson	Pollock
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Self	Smith 14	Sutherland	Thomson
Tilley	Tracy	Viebrock	Vogt	Walsh
Webber	Wells	Wilson 119	Witte	Wright
Zerr	Mr Speaker			

NOES: 084

Allen	Aull	Ayres	Bringer	Bruns
Burlison	Burnett	Carter	Casey	Corcoran
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Emery	Englund	Ervin	Fischer 107
Flanigan	Grill	Guest	Harris	Hodges
Hoskins 80	Hoskins 121	Jones 63	Jones 89	Jones 117
Kander	Kelly	Koenig	Komo	Kraus
Kuessner	Lampe	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McNary	Molendorp
Morris	Munzlinger	Newman	Nieves	Norr
Oxford	Pace	Parson	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schad	Schoemehl	Shively
Silvey	Skaggs	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Swinger	Talboy

Todd	Walton Gray	Wasson	Webb	Weter
Whitehead	Wilson 130	Yaeger	Zimmerman	

PRESENT: 001

Frame

ABSENT WITH LEAVE: 010

Calloway	Cooper	Cox	Cunningham	LeBlanc
Meadows	Nolte	Riddle	Salva	Wallace

VACANCIES: 001

**HCS HB 1898**, relating to the Women's Heart Health Program, was taken up by Representative Zerr.

On motion of Representative Zerr, **HCS HB 1898** was read the third time and passed by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Whitehead	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 009

Davis	Dethrow	Dugger	Emery	Ervin
Koenig	Pollock	Sander	Wilson 119	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 50	Calloway	Cooper	Cunningham	LeBlanc
Meadows	Riddle	Salva	Talboy	Weter

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 2317**, relating to a conveyance of state property, was taken up by Representative Tracy.

On motion of Representative Tracy, **HB 2317** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Conway	Corcoran	Cox	Curls	Davis
Day	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	Liese	Lipke	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	



NOES: 006

Bringer	Burnett	Kuessner	LeVota	Skaggs
Still				

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Colona	Cooper	Cunningham	Deeken
LeBlanc	Loehner	Meadows	Riddle	Salva
Stevenson	Talboy			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	Liese	Lipke	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 008

Bringer	Burnett	Hughes	Kuessner	LeVota
Skaggs	Still	Talboy		

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Cooper	Cunningham	LeBlanc	Loehner
Meadows	Riddle	Salva	Stevenson	

VACANCIES: 001

**HCS HB 1848**, relating to the Urban Farming Task Force, was taken up by Representative Holsman.

On motion of Representative Holsman, **HCS HB 1848** was read the third time and passed by the following vote:

AYES: 121

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Deeken
Denison	Dieckhaus	Dixon	Dougherty	Dusenberg
Englund	Faith	Fallert	Fischer 107	Fisher 125
Frame	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lampe	Largent	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Roorda	Ruzicka	Sander
Scavuzzo	SchAAF	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Vogt
Wallace	Walton Gray	Webb	Webber	Weter
Whitehead	Witte	Wright	Yaeger	Zerr
Zimmerman				

NOES: 030

Allen	Bruns	Cox	Davis	Day
Dethrow	Diehl	Dugger	Emery	Ervin
Flanigan	Flook	Franz	Guest	Hobbs
Koenig	Kraus	Lair	Leara	Nolte
Sater	Schad	Scharnhorst	Stevenson	Tracy
Walsh	Wells	Wilson 119	Wilson 130	Mr Speaker

PRESENT: 001

Low

ABSENT WITH LEAVE: 010

Calloway	Cooper	Cunningham	LeBlanc	Meadows
Riddle	Rucker	Ruestman	Salva	Wasson

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

Speaker Richard assumed the Chair.

**HB 1640**, relating to municipal court judges, was taken up by Representative Roorda.

On motion of Representative Roorda, **HB 1640** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meiners	Molendorp	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Roorda	Rucker	Ruzicka
Sander	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Webb	Webber
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 007

Carter	Hoskins 80	Jones 63	Morris	Nasheed
Sater	Whitehead			

PRESENT: 000

ABSENT WITH LEAVE: 011

Calloway	Cooper	Cunningham	LeBlanc	McGhee
Meadows	Riddle	Ruestman	Salva	Wasson
Wells				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HB 1894**, relating to overdue patient accounts, was taken up by Representative Bringer.

On motion of Representative Bringer, **HB 1894** was read the third time and passed by the following vote:

AYES: 149

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Roorda	Rucker	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Tilley	Todd	Tracy	Vogt	Wallace
Walsh	Walton Gray	Webb	Webber	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Calloway	Cooper	Cunningham	LeBlanc
Meadows	Riddle	Ruestman	Salva	Thomson
Viebrock	Wasson	Wells		

VACANCIES: 001

Speaker Richard declared the bill passed.

### THIRD READING OF HOUSE BILLS

**HB 2294**, relating to political party emblems on ballots, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 2294** was read the third time and passed by the following vote:

AYES: 097

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Conway	Cox	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Kraus	Lair	Largent
Leara	LeVota	Lipke	McGhee	McNary
McNeil	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Webber	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 053

Atkins	Aull	Bringer	Burnett	Carter
Casey	Colona	Corcoran	Curls	Dougherty
Fallert	Frame	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kirkton
Komo	Kratky	Kuessner	Lampe	Liese
Low	McClanahan	McDonald	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Whitehead	Zimmerman		

PRESENT: 001

Nasheed

ABSENT WITH LEAVE: 011

Calloway	Chappelle-Nadal	Cooper	Cunningham	LeBlanc
Loehner	Meadows	Riddle	Salva	Wasson
Wells				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS HB 1747**, relating to animal agriculture, was taken up by Representative Viebrock.

Representative Lipke assumed the Chair.

On motion of Representative Viebrock, **HCS HB 1747** was read the third time and passed by the following vote:

AYES: 091

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Cox	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 121	Hughes	Ice	Jones 89	Jones 117
Keeney	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Meiners	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Rucker	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Zerr
Mr Speaker				

NOES: 061

Atkins	Biermann	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Dougherty	Englund	Fallert	Frame	Grill
Grisamore	Harris	Hodges	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	McClanahan	McDonald	McNeil	Molendorp
Morris	Newman	Oxford	Pace	Quinn
Roorda	Scavuzzo	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger

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Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Wright	Yaeger
Zimmerman				

PRESENT: 001

Low

ABSENT WITH LEAVE: 009

Calloway	Cooper	Cunningham	Holsman	LeBlanc
Meadows	Riddle	Salva	Stream	

VACANCIES: 001

Representative Lipke declared the bill passed.

**HB 1372**, relating to local communications carriers, was taken up by Representative Parson.

On motion of Representative Parson, **HB 1372** was read the third time and passed by the following vote:

AYES: 082

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Ruestman	Ruzicka	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dusenberger	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McGhee	McNeil
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Sander	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Spreng	Still

Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Cooper	Cunningham	LeBlanc	Loehner
Meadows	Riddle	Vogt		

VACANCIES: 001

Representative Lipke declared the bill passed.

**HB 1494**, relating to the transfer of property by universities, was taken up by Representative Schaaf.

Representative Schaaf moved that **HB 1494** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 014

Brown 149	Cox	Dethrow	Fisher 125	Hoskins 121
Kingery	Largent	McGhee	Molendorp	Pollock
Pratt	Schaaf	Sutherland	Thomson	

NOES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meiners	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Swinger	Talboy	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh



Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 30	Calloway	Cooper	Cunningham	LeBlanc
Meadows	Riddle	Vogt		

VACANCIES: 001

**HCS HB 1965**, relating to repeal of expired statutes, was taken up by Representative McNary.

On motion of Representative McNary, **HCS HB 1965** was read the third time and passed by the following vote:

AYES: 136

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Brown 149	Bruns
Burlison	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Cox	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 013

Bringer	Burnett	Harris	Nasheed	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Talboy	Webb	Yaeger		

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 30	Calloway	Cooper	Cunningham	Dugger
Hughes	Kraus	LeBlanc	Low	Meadows
Riddle	Vogt	Wasson		

VACANCIES: 001

Representative Lipke declared the bill passed.

**HCS HB 1806**, relating to a county assessed valuation, was taken up by Representative Franz.

On motion of Representative Franz, **HCS HB 1806** was read the third time and passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 007

Burnett	Hughes	LeVota	McNeil	Schupp
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Cooper	Cunningham	LeBlanc	Low
Meadows	Riddle	Vogt		

VACANCIES: 001

Representative Lipke declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 122

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Carter	Casey	Chappelle-Nadal	Conway
Corcoran	Cox	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hodges
Hoskins 80	Hoskins 121	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kraus	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
McGhee	McNary	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 030

Biermann	Bringer	Burnett	Colona	Curls
Fallert	Grill	Harris	Holsman	Hughes
Hummel	Kratky	Kuessner	LeVota	McClanahan
McDonald	McNeil	Newman	Norr	Oxford
Pace	Quinn	Schupp	Shively	Skaggs
Spreng	Talboy	Walton Gray	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Cooper	Cunningham	Icet	LeBlanc
Low	Meadows	Riddle	Stream	Vogt

VACANCIES: 001

**HCS HB 1893**, relating to gaming funds, was taken up by Representative Kelly.

On motion of Representative Kelly, **HCS HB 1893** was read the third time and passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Zerr

NOES: 008

Burnett	Flook	LeVota	Nasheed	Skaggs
Spreng	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Cooper	Cunningham	LeBlanc	Low
Meadows	Riddle	Vogt		

VACANCIES: 001

Representative Lipke declared the bill passed.

**HB 2220**, relating to the oath of election judges, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 2220** was read the third time and passed by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Conway	Corcoran	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 001

Colona

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Cooper	Cunningham	LeBlanc	Low
Meadows	Riddle	Vogt		

VACANCIES: 001

Representative Lipke declared the bill passed.

**HCS HB 2297**, relating to the Kansas City Zoological District, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HCS HB 2297** was read the third time and passed by the following vote:

AYES: 115

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Grill	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Kratky
Kuessner	Lair	Lampe	Largent	LeVota
Liese	McClanahan	McDonald	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nasheed
Newman	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Quinn	Roorda	Ruestman
Ruzicka	Salva	Scavuzzo	Scharnhorst	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Skaggs	Smith 14	Still	Storch	Stream
Talboy	Thomson	Tilley	Todd	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 038

Brown 30	Burlison	Corcoran	Cox	Davis
Dethrow	Dugger	Dusenberg	Emery	Ervin
Flook	Grisamore	Jones 89	Koenig	Komo
Kraus	Leara	Lipke	Loehner	McGhee
Nance	Nieves	Pollock	Pratt	Rucker
Sander	Sater	Schaaf	Schad	Schieffer
Shively	Smith 150	Stevenson	Sutherland	Swinger
Tracy	Wells	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Cooper	Cunningham	LeBlanc	Low
Meadows	Riddle	Spreng	Vogt	

VACANCIES: 001

Representative Lipke declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 77** - Special Standing Committee on General Laws

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1450** - Elementary and Secondary Education

**HB 1455** - Agriculture Policy

**HB 2016** - Budget

**HB 2123** - Health Care Policy

**HB 2162** - Retirement

**HB 2255** - Healthcare Transformation

**HB 2291** - Agri-Business

**HB 2408** - Energy and Environment

**HB 2417** - Public Safety

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SCS SB 605** - Special Standing Committee on General Laws

**SB 795** - Agriculture Policy

**SB 897** - Utilities

**SCS SB 979** - Special Standing Committee on Health Insurance

## COMMITTEE REPORTS

### **Committee on Financial Institutions**, Chairman Cunningham reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HCR 70**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE CONCURRENT RESOLUTION NO. 70

Relating to credit unions housed in Department of Transportation facilities.

WHEREAS, credit unions have operated in Missouri Department of Transportation offices since the 1950s; and

WHEREAS, credit unions serve as a valuable employee benefit; and

WHEREAS, credit unions help employees meet their personal financial obligations which enhances employee productivity; and

WHEREAS, credit unions are owned by their member owners; and

WHEREAS, credit unions fully reimburse the Department of Transportation for salaries, benefits, and other expenses:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the Missouri Department of Transportation to allow the ten credit unions currently housed in Department of Transportation facilities to remain in those facilities until such time as the credit union board of directors, after consulting with their financial regulator, decides it is in the best interest of the credit union and its member owners to move the credit union to a location outside of Department of Transportation facilities; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

### **Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1625**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on International Trade and Immigration**, Chairman Nolte reporting:

Mr. Speaker: Your Committee on International Trade and Immigration, to which was referred **HB 1383**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



**Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 2042**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tax Reform**, Chairman Smith (14) reporting:

Mr. Speaker: Your Committee on Tax Reform, to which was referred **HB 2373**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Urban Issues**, Chairman Hoskins (80) reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 2351**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 99**, introduced by Representatives Leara, Silvey, Zerr, Allen, Flanigan and Tracy, relating to highways and transportation.

**HJR 100**, introduced by Representatives Hoskins (121), Gatschenberger, Smith (150), Kraus, Molendorp, Tilley, Jones (89), Pratt, Largent, McGhee, McNary and Brown (149), relating to the general assembly.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 2442**, introduced by Representative Brandom, relating to house arrest for certain offenders.

**HB 2443**, introduced by Representative Brandom, relating to motor vehicle registration.

**HB 2444**, introduced by Representative Webb, relating to wireless telephone use.

**HB 2445**, introduced by Representative Curls, relating to certain business enterprises.

**HB 2446**, introduced by Representative Cunningham, relating to improperly imposed sales tax to cellular telephone customers.

**HB 2447**, introduced by Representative Aull, relating to school district tax alternatives.

**HB 2448**, introduced by Representatives Still, Kelly, Holsman and McNeil, relating to renewable energy.

**HB 2449**, introduced by Representatives Parkinson, Jones (89), Grisamore, Gatschenberger, Nolte, Bivins, Koenig, Nieves and Munzlinger, relating to illegal immigration.

**HB 2450**, introduced by Representative Kirkton, relating to the prompt credentialing act.

**HB 2451**, introduced by Representatives Jones (117), Munzlinger and McClanahan, relating to the controlled substances registration database fund.

**HB 2452**, introduced by Representative Schupp, relating to community improvement districts.

**HB 2453**, introduced by Representative Curls, relating to the unlawful sale of firearms or firearms ammunition in certain cities.

**HB 2454**, introduced by Representative Fisher (125), relating to closure or downsizing of state operated mental health facilities.

**HB 2455**, introduced by Representatives Davis, Parkinson, Schieffer, Schlottach, Burlison, McGhee, Largent, Cox, Wilson (119), Fisher (125), Nolte, Smith (150), Dieckhaus, Smith (14) and Biermann, relating to the Missouri firearms freedom act.

**HB 2456**, introduced by Representatives Emery, Tracy, Ruzicka, Lair, Dougherty, Ervin, Stevenson, Cox, Davis, Dieckhaus, Wilson (119), Bivins and Jones (117), relating to the state sovereignty commission.

**HB 2457**, introduced by Representatives Pratt, Jones (89), Nieves, Stevenson, Parkinson, Smith (150) and Funderburk, relating to income taxation.

**HB 2458**, introduced by Representative Dixon, relating to the joint committee on Missouri's future.

**HB 2459**, introduced by Representative Kirkton, relating to concentrated animal feeding operations.

**HB 2460**, introduced by Representatives Dieckhaus, Koenig, McNary, Smith (14), Calloway, Dusenberg, Jones (89), Nasheed and Holsman, relating to an income tax deduction for student loan repayments.

**HB 2461**, introduced by Representatives Dieckhaus, Koenig, McNary, Nieves, Calloway, Smith (14), Jones (89), Nasheed, Scharnhorst and Stream, relating to student progression.

**HB 2462**, introduced by Representatives Dieckhaus, Emery, Jones (89), Koenig, McNary and Scharnhorst, relating to school enrollment.

**HB 2463**, introduced by Representatives Dieckhaus, Nieves, Emery, Jones (89), Koenig, McNary, Scharnhorst and Allen, relating to teacher continuing contracts.

**HB 2464**, introduced by Representatives Dieckhaus, Schoeller, Nieves, Jones (89), Tilley, Icet, Parkinson, Funderburk, Jones (63), Carter, Calloway, Koenig, Hoskins (80), Scharnhorst and McNary, relating to school reform measures.

**HB 2465**, introduced by Representative Dieckhaus, relating to recall of ambulance district board members.

**HB 2466**, introduced by Representative Dieckhaus, relating to research park annexation.

**HB 2467**, introduced by Representative Dieckhaus, relating to annexation.

**HB 2468**, introduced by Representative Davis, relating to the Missouri freedom to own lightbulbs act.

**HB 2469**, introduced by Representatives Webb and Jones (63), relating to tampering with or intimidating victims and witnesses.

**HB 2470**, introduced by Representatives Webb, Pace, Morris, Walton Gray, Jones (63) and Newman, relating to global warming.

**HB 2471**, introduced by Representatives Brown (149), Scharnhorst, Day, Riddle, McGhee and Lair, relating to Chelsea's Law.

**HB 2472**, introduced by Representatives Hobbs and Bruns, relating to solid waste management.

**HB 2473**, introduced by Representatives Hobbs and Bruns, relating to city restrictions on commercial recycling containers.

**HB 2474**, introduced by Representative Pollock, relating to water quality testing.

**HB 2475**, introduced by Representative Diehl, relating to emergency communication systems.

**HB 2476**, introduced by Representatives Flook, Kraus, Smith (150), Pratt, Molendorp, Ayres, Nance, Stream, Wells, Fisher (125), Zerr, Burlison and Dusenberg, relating to compensation of members of the general assembly.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 625**, entitled:

An act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 733**, entitled:

An act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to the higher education academic scholarship program.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 739**, entitled:

An act to repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 819**, entitled:

An act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to leave for members of the civil air patrol, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 848**, entitled:

An act to repeal sections 393.1025 and 393.1030, RSMo, and to enact in lieu thereof two new sections relating to methane from agricultural operations.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 984**, entitled:

An act to repeal sections 313.805 and 313.830, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts on excursion gambling boats, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 991 & 645**, entitled:

An act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and to enact in lieu thereof ninety-two new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1058**, entitled:

An act to repeal section 67.456, RSMo, and to enact in lieu thereof one new section relating to neighborhood improvement district bonds.

In which the concurrence of the House is respectfully requested.

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Tuesday, April 6, 2010.

## **COMMITTEE MEETINGS**

### **BUDGET**

Wednesday, April 7, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow.

Public hearing to be held on: HB 2016, SCR 36, SS SB 757

### **BUDGET**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow.

Public hearing to be held on: HB 2016, SCR 36, SS SB 757

### **CRIME PREVENTION**

Wednesday, April 7, 2010, Hearing Room 5 upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 2239, SCS SB 829

ENERGY AND ENVIRONMENT

Wednesday, April 7, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2408

FISCAL REVIEW

Wednesday, April 7, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, April 8, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTHCARE TRANSFORMATION

Tuesday, April 6, 2010, Hearing Room 6 upon afternoon adjournment.

Executive session may follow. CANCELLED

Public hearing to be held on: HB 2255

HEALTHCARE TRANSFORMATION

Wednesday, April 7, 2010, Hearing Room 7 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 2255

HIGHER EDUCATION

Tuesday, April 6, 2010, 2:00 p.m. House Chamber south gallery.

Executive session.

INSURANCE POLICY

Wednesday, April 7, 2010, 12:00 p.m. House Chamber south gallery.

Executive session only.

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 6, 2010, 1:00 p.m. Hearing Room 6.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 2399, SS SB 578

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 8, 2010, 9:00 a.m. Hearing Room 1.

2nd Quarter meeting.

JUDICIARY

Wednesday, April 7, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 1985

LOCAL GOVERNMENT

Wednesday, April 7, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: SS SCS SB 580, SB 668, SB 669, SB 670, SCS SB 862, SCS SB 863, SCS SB 915

PUBLIC SAFETY

Wednesday, April 7, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2417

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, April 6, 2010, Hearing Room 1 upon afternoon adjournment.

Possible Executive session.

Public hearing to be held on: HCS HJR 64, HCS HJR 94, HR 628, HCS HB 1404, HCS HB 1473, HCS HBs 1524 & 2260, HCS HB 1788, HCS HB 1871, HB 1960, HCS HB 1966, HCS HB 1994, HCS HB 2070, HCS HB 2081, HCS HB 2097, HB 2245, HCS HBs 2262 & 2264, HCS HB 2357

SMALL BUSINESS

Wednesday, April 7, 2010, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearing to be held on: SS SCS SBs 586 & 617

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 6, 2010, 2:00 p.m. Hearing Room 1.

Executive session may be held.

Public hearing to be held on: HB 1986, SCS SBs 842, 799 & 809, SB 844, SB 851

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, April 6, 2010, 1:30 p.m. Hearing Room 5. AMENDED

Public hearing to be held on: HB 2389, SS SB 618

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd., Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**HOUSE CALENDAR**

FORTY-SEVENTH DAY, TUESDAY, APRIL 6, 2010

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 99 and HJR 100

**HOUSE BILLS FOR SECOND READING**

HB 2442 through HB 2476

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HJR 88 - Nieves
- 3 HCS HJR 63 - Parson
- 4 HJR 78 - Smith (150)

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543, as amended - Wallace
- 3 HCS HB 2026 - Hobbs
- 4 HB 1254 - Wilson (119)
- 5 HCS HB 2048 - Sutherland
- 6 HB 2272 - Fisher (125)
- 7 HCS HB 2053 - Wallace
- 8 HCS HBs 1695, 1742 & 1674 - Stevenson

**HOUSE BILLS FOR THIRD READING**

HCS HB 1787 - Jones (117)

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenbergl

**SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 625
- 2 SCS SB 733
- 3 SB 739
- 4 SB 819



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5        SB 848

6        SS SB 984

7        SCS SBs 991 & 645

8        SB 1058

#### **HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 2014, as amended - Icet

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-SEVENTH DAY, TUESDAY, APRIL 6, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Lord God, we thank You for the refreshment of holidays and for the enlightenment of Holy days. We pray for all the members and the support staff of this Session of the 95<sup>th</sup> General Assembly; grant us a renewed strength of body and focus of mind that we might complete the work before us in service of the people of Missouri.

Lord God, we pray for the grace to make wise choices regarding the bills and other decisions that will be coming before us. We pray for the people of our State, whose lives will be affected by our decision. We pray especially for the people who are in greatest need.

To You, Almighty God, be glory and honor now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ted Meyer, Alex Widman, Lauren Widman, Rita Hermon, Shawn Sweeney, Olivia Williams and Phines Sanders.

The Journal of the forty-sixth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1622 through House Resolution No. 1649

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 99** and **HJR 100** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 2442** through **HB 2476** were read the second time.

## SECOND READING OF SENATE BILLS

**SS SCS SB 625**, **SCS SB 733**, **SB 739**, **SB 819**, **SB 848**, **SS SB 984**, **SCS SBs 991 & 645** and **SB 1058** were read the second time.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SCS HCS HB 2014, as amended**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that **SCS HCS HB 2014, as amended**, be adopted.

Representative Silvey made a substitute motion that the House refuse to adopt **SCS HCS HB 2014, as amended**, and request the Senate to recede from its position, and, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences on Section 14.005.

Which motion was adopted by the following vote:

AYES: 096

Aull	Ayres	Brandom	Bringer	Brown 30
Brown 149	Bruns	Burlison	Burnett	Casey
Conway	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Englund	Fallert
Fischer 107	Flanigan	Frame	Funderburk	Grill
Grisamore	Harris	Hobbs	Hodges	Hoskins 121
Jones 117	Kander	Keeney	Kingery	Kraus
Kuessner	Lampe	Largent	LeVota	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Munzlinger	Nance	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Sutherland
Swinger	Talboy	Tilley	Todd	Tracy
Viebrock	Wallace	Wasson	Webb	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger				

NOES: 058

Allen	Atkins	Biermann	Bivins	Brown 50
Calloway	Colona	Cooper	Corcoran	Cox
Davis	Emery	Ervin	Faith	Fisher 125
Gatschenberger	Guernsey	Guest	Holsman	Hughes
Hummel	Icet	Jones 63	Jones 89	Kelly
Kirkton	Koenig	Komo	Kratky	Lair
Leara	Liese	McNary	Meadows	Meiners
Molendorp	Morris	Nasheed	Newman	Oxford
Pace	Riddle	Sander	Schad	Scharnhorst
Schupp	Spreng	Still	Storch	Stream
Thomson	Walsh	Walton Gray	Webber	Whitehead
Zerr	Zimmerman	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Chappelle-Nadal	Flook	Franz	Hoskins 80
LeBlanc	Pratt	Vogt		

VACANCIES: 001

## PERFECTION OF HOUSE BILL

**HCS#2 HB 1543, as amended**, relating to elementary and secondary education, was taken up by Representative Wallace.

Representative Wasson offered **House Amendment No. 5**.

### *House Amendment No. 5*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Page 8, Section 160.775, Line 17, by inserting after all of said line the following:

“161.209. **1.** The department of elementary and secondary education has an affirmative duty to seek comment on its rules, regulations, and policies after their final approval or implementation. The department shall undertake such review on existing rules, regulations, and policies on an ad hoc, periodic basis with a priority given to such rules, regulations, and policies that could successfully be revised without affecting student achievement to accommodate periods when there is no increase in the appropriation for basic state aid funding pursuant to section 163.031, RSMo, from one fiscal year to the next or when withholdings of appropriated funds result in a situation equivalent to no increase in such appropriation.

**2. For fiscal years 2011 and 2012, if the appropriation for subsections 1 and 2 of section 163.031 is less than the annualized calculation of the amount needed for the phase-in required under subsection 4 for that fiscal year or the appropriation for transportation as provided in subsection 3 of section 163.031 is funded at a level that provides less than seventy-five percent of allowable costs, the department shall not penalize any district undergoing its accreditation review for a failure to meet resource standards. If the governor withholds funds for the school funding formula basic apportionment under section 163.031, school districts undergoing accreditation review in the fiscal year following the fiscal year of withholding shall not be penalized for failure to meet resource standards.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wasson, **House Amendment No. 5** was adopted.

Representative Nolte offered **House Amendment No. 6**.

### *House Amendment No. 6*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Section 168.221, Page 23, Line 84, by inserting after all of said section, page, and line the following:

“**170.045. 1.** Any public school may offer one or more courses in ballroom dance. Ballroom dance shall be treated as a qualified physical education activity and as a fine arts activity for academic credit granting and receiving purposes when ballroom dance is offered by a public school.

**2.** Any student enrolled in a public school in this state that offers a ballroom dance course or courses may earn academic credit for such course by completing the course with a passing grade.

**3.** Academic credit received for taking a ballroom dance course shall be counted toward satisfaction of any physical education or fine arts requirements of the public school, including any entrance requirements of any public institution of higher education.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McNeil offered **House Amendment No. 1 to House Amendment No. 6.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Line 5, by deleting the word “**and**” and inserting in lieu thereof the word “**or**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McNeil, **House Amendment No. 1 to House Amendment No. 6** was adopted.

Representative Nolte moved that **House Amendment No. 6, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 044

Allen	Aull	Bivins	Brandom	Brown 50
Calloway	Colona	Day	Denison	Dethrow
Dougherty	Englund	Faith	Flanigan	Franz
Funderburk	Gatschenberger	Holsman	Hughes	Kelly
Kingery	Liese	McGhee	Meadows	Nance
Nolte	Pollock	Rucker	Ruzicka	Scharnhorst
Schlottach	Shively	Silvey	Smith 14	Smith 150
Stevenson	Thomson	Tilley	Viebrock	Wallace
Webb	Wells	Zerr	Mr Speaker	

NOES: 101

Atkins	Ayres	Biermann	Bringer	Brown 30
Brown 149	Bruns	Burlison	Burnett	Casey
Conway	Cooper	Cox	Cunningham	Curls
Davis	Deeken	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Fallert
Fischer 107	Frame	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Hummel	Iceet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Lipke	Low	McClanahan
McDonald	McNary	McNeil	Molendorp	Morris
Munzlinger	Nasheed	Newman	Norr	Oxford
Pace	Parson	Quinn	Roorda	Ruestman
Sander	Sater	Scavuzzo	Schaaf	Schad
Schieffer	Schoeller	Schoemehl	Schupp	Self
Skaggs	Still	Storch	Stream	Sutherland
Swinger	Talboy	Todd	Tracy	Walsh

Walton Gray	Wasson	Webber	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 017

Carter	Chappelle-Nadal	Corcoran	Fisher 125	Flook
Hoskins 80	LeBlanc	LeVota	Loehner	Meiners
Nieves	Parkinson	Pratt	Riddle	Salva
Spreng	Vogt			

VACANCIES: 001

**Representative Dieckhaus offered House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute No. 2 for House Bill No. 1543, Page 11, Section 161.650, Line 30, by inserting immediately after all of said line the following:

- “162.1032. 1. For purposes of this section, the following terms shall mean:**
- (1) "Department", the department of elementary and secondary education;**
  - (2) "Residency", the term as defined under section 167.020;**
  - (3) "School district", a seven director or urban school district, except for an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants.**
- 2. For the school year commencing July 1, 2011, and for each succeeding school year, a parent or guardian residing in a public school district may enroll his or her child in a public school in another school district in the manner provided in this section.**
- 3. For a parent or guardian to be able to enroll his or her child in a public school in another school district, the following shall be required:**
- (1) The child shall be enrolled in and attending a public school located in Missouri; or**
  - (2) The parent or guardian has registered, or is preparing to register, the child for kindergarten or first grade.**
- 4. By January fifteenth of the preceding school year, the parent shall send notification to the school district of residence and the receiving district, on an application or forms prescribed by the department, that the parent or guardian intends to enroll his or her child in a public school in a school district other than the school district of residence. If a school district does not have sufficient capacity to enroll all pupils who submit a timely application, the school district shall institute an admissions process to ensure all applicants an equal chance of admission, except that a school district may give preference for admission to siblings of children who are already enrolled in the school district under this section.**
- 5. If a parent or guardian fails to send notification by January fifteenth as specified in subsection 4 of this section, the parent or guardian may request transfer until the third Friday in July of that calendar year, on an application or forms prescribed by the department, by sending notification to the school district of residence and the receiving district, provided that good cause exists for the failure to meet the deadline. The board of education for the receiving district shall determine if good cause exists. For purposes of this subsection, good cause shall mean:**
- (1) A change in a child's residence due to a change in family residence, a change in the marital status of the child's parent or guardian, a guardianship or custody proceeding, placement in foster care, adoption, participation in a substance abuse or mental health treatment program; or**
  - (2) A classification of the child's resident school district as unaccredited by the state board of education.**
- 6. Whenever a federal court-ordered desegregation directive exists for a school district, enrollment options under this section are subject to the approval of the court of continuing jurisdiction. The court order shall govern.**

7. An application for open enrollment may be granted at any time with the approval of the receiving district and the school district of residence. If the request is granted, the board of education of the receiving district shall notify the parent or guardian and the school district of residence within five days. The parent or guardian may withdraw the request to enroll his or her child at any time prior to the start of the school year. A request for enrollment under this section shall be valid for at least one year, and, once granted, shall not require another application until the pupil has completed all grades available in the school district.

8. Each school district shall adopt a policy for appropriate class size and teacher-pupil ratios for all grade levels. The policy may allow for a number of spaces to remain open to accommodate potential additional pupils who may reside in the district. No school district shall be required to admit pupils under this section if such admittance would violate its target class size and teacher-pupil ratio under this subsection. If a school district denies enrollment to a pupil under this section, it shall state the grounds for the denial. Each school district shall maintain records on:

- (1) The number of transfers requested into and out of the district;
- (2) The number of pupils accepted into the district; and
- (3) The number of pupils denied enrollment into the district.

9. If, after enrolling his or her child in the receiving district, the parent or guardian is dissatisfied, he or she may return his or her child to the school district of residence upon notification to both the receiving district and the school district of residence. However, the parent or guardian shall not be able to reenroll his or her child in the receiving district at a later time. If the parent or guardian desires to enroll his or her child in a school district other than the school district of residence or the initial receiving district, he or she shall follow the procedures identified in this section.

10. If a request filed under this section is for a child requiring special education under sections 162.670 to 162.999, the request to transfer to the other district shall only be granted if the individualized education program team in the receiving district verifies that:

- (1) The receiving district maintains a special education instructional program that is appropriate to meet the child's educational needs; and
- (2) The enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program to exceed the maximum class size established in rules and regulations adopted by the state board of education or federal guidelines for that program.

11. For children requiring special education, a member of the individualized education program team in the school district of residence shall be part of the individualized education program team in the receiving district for the initial planning session or sessions. The board of education of the school district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

12. The statewide assessment scores of pupils who enroll in another school district under this section shall be treated in the same manner as the scores of resident pupils in that district.

13. If a parent or guardian of a child who is participating in open enrollment under this section moves to a different school district during the course of either district's academic year, the child's first school district of residence shall be responsible for payment of the amount per pupil as calculated under subsection 14 of this section or special education costs to the receiving district for the balance of the school year in which the move occurred. The new district of residence shall be responsible for the payments during subsequent years.

14. For each pupil who enrolls in another school district under this section, the department of elementary and secondary education shall calculate the per pupil cost for the student's school district of residence and the receiving district and provide this information to the student's parent or legal guardian, the student's school district of residence, and the receiving district. If the per pupil cost is greater in the receiving district than in the student's school district of residence, the board of education of the receiving district may determine an amount to be paid by the student's parent or legal guardian, not to exceed twenty-five percent of the difference between the two districts' per pupil costs to the receiving district, or one thousand dollars, whichever is less. If the per pupil cost is greater in the student's school district of residence than in the receiving district, the board of education of the receiving district may determine an amount to be paid by the student's school district of residence to it, not to exceed twenty-five percent of the difference between the two districts' per pupil costs to the receiving district, or one thousand dollars, whichever is less. The district of residence shall also pay to the receiving district any other federal or state aid that the district receives on account of such child.

15. Payments shall be made to the receiving district from the school district of residence for a child participating in open enrollment under this section at least twice a year. If a timely payment is not made, the receiving district shall be entitled to a late charge of up to three percent a month on the amount overdue, not to exceed three months. When a payment is more than three months past due, the department, upon notice from

the receiving district, shall withhold the amount, including interest, from the school district of residence's state school aid and send payment in full to the receiving district.

16. If a request to transfer is due to a change in family residence, or where the child resides as a result of a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is not currently using any provision of open enrollment under this section, the parent or guardian shall have the option to keep the child enrolled in the child's original school district of residence with no interruption in the educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 14 of this section until the start of the first full year of enrollment of the child.

17. In a public school district that qualified for a small schools grant under section 163.044, the addition of up to five percent average daily attendance attributable to open enrollment under this section shall not disqualify the district for the grant. A decrease of less than five percent from the average daily attendance used to determine qualification for the grant that is attributable to open enrollment shall not qualify a school district for the grant.

18. Notwithstanding sections 167.131 and 167.241, the parent or guardian shall be responsible for transporting the pupil to school under this section without reimbursement. A school district may provide transportation for a pupil to and from a point on an existing school bus route provided that the parent or guardian transports the pupil to and from such point. Nothing in this subsection shall be construed to prohibit a school district from voluntarily providing such transportation.

19. Participation in interscholastic athletics for students enrolling in another school district under this section shall be governed by the Missouri State High School Activities Association's requirements and eligibility criteria and standards.

20. The state board of education shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Aull raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

**HCS#2 HB 1543, as amended, with House Amendment No. 7, pending,** was laid over.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 2381** - Financial Institutions

**HB 2400** - Financial Institutions



## REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 33** - Financial Institutions

## COMMITTEE REPORTS

**Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was returned **HB 1812**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HR 628**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 64**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 94**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1404**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1473**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1524 & 2260**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1788**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1871**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1960**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1966**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1994**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2070**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2081**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2097**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2245**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 2262 & 2264**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2357**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 786**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to provide orally administered anticancer medications on a basis no less favorable than intravenously administered anticancer medications.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 894**, entitled:

An act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to health coverage benefits to Medicare eligible participants in the state employee health insurance program.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 928**, entitled:

An act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to the sales tax treatment of sales for resale, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Vogt.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, April 7, 2010.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 6.  
Possible Executive session and possible Work session.  
Public hearing to be held on: HB 1367, HB 1455, SB 795

#### **BUDGET**

Wednesday, April 7, 2010, 8:00 a.m. Hearing Room 3.  
Tax Credit Review.  
Executive session may follow.  
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

#### **BUDGET**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 3.  
Tax Credit Review.  
Executive session may follow.  
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

#### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 2137, SCS SB 774

#### **CRIME PREVENTION**

Wednesday, April 7, 2010, Hearing Room 5 upon morning recess.  
Executive session may follow.  
Public hearing to be held on: HB 2239, SCS SB 829

ENERGY AND ENVIRONMENT

Wednesday, April 7, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 2408

FINANCIAL INSTITUTIONS

Wednesday, April 7, 2010, 5:30 p.m. Hearing Room 6.

Executive session may follow. AMENDED #2

Public hearing to be held on: HB 2381, HB 2400, SCR 33, SB 758,  
SB 771, SCS SB 772, SB 773, SCS SB 777, SCS SB 630

FISCAL REVIEW

Wednesday, April 7, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

FISCAL REVIEW

Thursday, April 8, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, April 7, 2010, Hearing Room 6, 12:00 p.m. or upon morning adjournment.

Executive session may follow.

Public hearing to be held on: SB 629, SCS SB 636

HEALTHCARE TRANSFORMATION

Wednesday, April 7, 2010, Hearing Room 7 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 2255

INSURANCE POLICY

Wednesday, April 7, 2010, 12:00 p.m. House Chamber south gallery.

Executive session only.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 8, 2010, 9:00 a.m. Hearing Room 1.

2nd Quarter meeting.

JUDICIARY

Wednesday, April 7, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 1985

LOCAL GOVERNMENT

Wednesday, April 7, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: SS SCS SB 580, SB 668, SB 669, SB 670,  
SCS SB 862, SCS SB 863, SCS SB 915

PUBLIC SAFETY

Wednesday, April 7, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2417

SMALL BUSINESS

Wednesday, April 7, 2010, 12:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearing to be held on: SS SCS SBs 586 & 617

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 7, 2010, 8:15 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2384, SCS SB 855

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND  
ETHICS REFORM

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 4.

Public hearing to be held on: SS#2 SCS SB 577

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION  
FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with  
asphalt and applications using asphalt.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 7, 2010, 12:45 p.m. Hearing Room 4.

Executive session.

TOURISM

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SCS SB 721, SCS SB 644, SB 649

TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with  
asphalt and applications using asphalt.

**WAYS AND MEANS**

Thursday, April 8, 2010, 8:30 a.m. Hearing Room 5.

Possible Executive session.

Public hearing to be held on: SS SCS SB 588, SB 628, SB 686

**HOUSE CALENDAR**

FORTY-EIGHTH DAY, WEDNESDAY, APRIL 7, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HJR 88 - Nieves
- 3 HCS HJR 63 - Parson
- 4 HJR 78 - Smith (150)
- 5 HCS HJR 64 - Cox
- 6 HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS#2 HB 1543, as amended, HA 7, pending - Wallace
- 3 HCS HB 2026 - Hobbs
- 4 HB 1254 - Wilson (119)
- 5 HCS HB 2048 - Sutherland
- 6 HB 2272 - Fisher (125)
- 7 HCS HB 2053 - Wallace
- 8 HCS HBs 1695, 1742 & 1674 - Stevenson
- 9 HCS HB 1966 - Diehl
- 10 HCS HB 2357 - Smith (150)
- 11 HCS HB 2081 - Riddle
- 12 HCS HB 1994 - Zerr
- 13 HCS HB 1404 - Cox
- 14 HCS HBs 1524 & 2260 - Largent
- 15 HCS HB 1788 - Parson
- 16 HCS HB 1871 - Schoeller
- 17 HB 1960 - Ruestman
- 18 HCS HB 2070 - Kelly
- 19 HCS HBs 2262 & 2264 - Hoskins (121)

**HOUSE BILLS FOR THIRD READING**

HCS HB 1787 - Jones (117)

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

**SENATE BILLS FOR SECOND READING**

- 1 SS SB 786
- 2 SB 894
- 3 SS SB 928

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCRs 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

**BILLS CARRYING REQUEST MESSAGES**

SCS HCS HB 2014, as amended  
(request Senate recede/grant conference/exceed differences on Section 14.005) - Icet

**HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-EIGHTH DAY, WEDNESDAY, APRIL 7, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, You are merciful and compassionate - not quick to anger, but rich in loving-kindness. You are good to one and all; everything You do is covered with grace.

We cry out to You, LORD, our God, saying, "LORD, it is nothing for You to help, whether with many or with those who have no power; help us, O LORD our God, for we rest on You". We, today, and each day of this Session tackle the various bills and their amendments, making tough decisions that affect us all. Keeping that in mind, may we not find ourselves fighting against You, but instead yielding.

Guide us in our deliberations. We choose to see, know and understand everything from Your perspective. It is written, "Walk with the wise and become wise; associate with the unwise and get in trouble". May we recognize the difference between the two.

We acknowledge Your sovereignty over all. Our time, our finances, our focus, our future and our life is in Your hand.

Now may You, Lord, make us complete in every way. May we be of good comfort and of one mind. May we live in peace and may You, the God of love and peace, be with us each step of the way. The grace of our Lord and the love of God, and the communion of the Holy Spirit be with us all.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Melanie Blase, Paige Cummins, Madison Horn, Abigail Morrall, Abbie Thompson, Alexander Addison, Alex Dowil, Alijah Harrison, Peyton Munch, Tanner Sublette, Emma Foley, Heather Brown, Alex Russo, Megan Weber, Lisa Saville, Pat Powers, Leah Albers, Sarah Morgan, Olivia Rau and Maggie Schlink.

Speaker Pro Tem Pratt assumed the Chair.

The Journal of the forty-seventh day was approved as printed.

## SPECIAL RECOGNITION

Jim Friend was introduced by Representative Parson and recognized for being an outstanding citizen.



## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1650 through House Resolution No. 1793

## HOUSE CONCURRENT RESOLUTION

Representatives Flanigan and Allen offered House Concurrent Resolution No. 80.

## SECOND READING OF SENATE BILLS

**SS SB 786, SB 894** and **SS SB 928** were read the second time.

## PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 88**, relating to state sovereignty, was taken up by Representative Nieves.

Representative Hobbs assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Nieves, **HJR 88** was ordered perfected and printed by the following vote:

AYES: 090

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Harris	Hobbs
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo

Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Skaggs	Spreng	Still	Storch	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 003

LeBlanc                      Vogt                      Mr Speaker

VACANCIES: 001

### PERFECTION OF HOUSE BILL

**HCS#2 HB 1543, as amended, with House Amendment No. 7, pending**, relating to elementary and secondary education, was taken up by Representative Wallace.

Representative Witte offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

Representative Dieckhaus raised points of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is not properly drafted as a substitute amendment and goes beyond the scope of the bill.

The Chair ruled the second point of order well taken.

Representative Lampe offered **House Amendment No. 1 to House Amendment No. 7**.

*House Amendment No. 1  
to  
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 4, Lines 23 to 25, by deleting all of said lines and inserting in lieu thereof the following:

**“19. Coaches of competitive sports in secondary schools shall be allowed to recruit students to participate in such competitive sports regardless of where such student’s home address. Such students shall not be required to forfeit participation in practices or competitive events and may participate immediately upon enrollment at the team’s school.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Lampe moved that **House Amendment No. 1 to House Amendment No. 7** be adopted.

## Which motion was defeated by the following vote:

AYES: 036

Atkins	Brown 50	Bruns	Burnett	Calloway
Carter	Casey	Colona	Corcoran	Curls
Dethrow	Englund	Fallert	Holsman	Hummel
Jones 63	Kander	Kratky	Lampe	LeVota
Low	McDonald	McNeil	Meadows	Meiners
Morris	Nance	Pace	Schoemehl	Schupp
Skaggs	Talboy	Thomson	Wallace	Walton Gray
Whitehead				

NOES: 116

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Burlison
Chappelle-Nadal	Conway	Cox	Cunningham	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Ervin	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Gatschenberger	Grill
Grisamore	Guest	Harris	Hodges	Hoskins 80
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kraus	Kuessner	Lair	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McGhee
McNary	Molendorp	Munzlinger	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Tilley
Todd	Tracy	Walsh	Wasson	Webb
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Franz	Guernsey	Hobbs	Hughes
LeBlanc	Pollock	Salva	Viebrock	Vogt

VACANCIES: 001

Representative Calloway offered **House Amendment No. 2 to House Amendment No. 7.**

*House Amendment No. 2*  
*to*  
*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Line 6, by inserting immediately after the word “a” the following:

“metropolitan,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Calloway, **House Amendment No. 2 to House Amendment No. 7** was adopted.

**HCS#2 HB 1543, as amended, with House Amendment No. 7, as amended, pending**, was laid over.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

**PERFECTION OF HOUSE BILLS**

**HCS#2 HB 1543, as amended, with House Amendment No. 7, as amended, pending**, relating to elementary and secondary education, was again taken up by Representative Wallace.

Representative Silvey offered **House Amendment No. 3 to House Amendment No. 7**.

*House Amendment No. 3*  
*to*  
*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 3, Lines 24 and 25, by deleting all of said lines and inserting in lieu thereof the following:

“parent or legal guardian, not to exceed one hundred percent of the difference between the two districts’ per pupil costs, to the receiving district. If the”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Silvey, **House Amendment No. 3 to House Amendment No. 7** was adopted by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Day	Deeken	Denison	Dethrow

Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McGhee	McNeil	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Parkinson	Parson	Pratt	Roorda	Ruzicka
Salva	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Storch	Stream	Sutherland	Talboy
Thomson	Tilley	Viebrock	Wallace	Walsh
Webb	Webber	Wells	Wilson 119	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 032

Bringer	Bruns	Cooper	Davis	Dieckhaus
Emery	Frame	Hobbs	Kirkton	Koenig
McClanahan	McNary	Morris	Oxford	Pace
Quinn	Riddle	Ruestman	Sander	Sater
Schaaf	Self	Still	Swinger	Todd
Tracy	Walton Gray	Wasson	Weter	Whitehead
Wilson 130	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 011

Curls	Diehl	Holsman	Hughes	LeBlanc
McDonald	Meadows	Meiners	Pollock	Rucker
Vogt				

VACANCIES: 001

Representative Nasheed offered **House Amendment No. 4 to House Amendment No. 7.**

*House Amendment No. 4*  
to  
*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute No. 2 for House Bill No. 1543, Page 4, Line 22, by inserting after the word “**transportation.**” the following:

**“Notwithstanding any other provision of law, the metropolitan district shall provide transportation for its resident students who choose to enroll in another district under this section, and the provisions of this section shall not apply to the metropolitan district unless such transportation is provided.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Nasheed moved that **House Amendment No. 4 to House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Biermann	Bringer	Brown 50	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Curls	Englund
Fallert	Fischer 107	Franz	Funderburk	Grill
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hummel	Jones 63	Kander	Kelly
Kingery	Kirkton	Komo	Kratky	Lampe
Low	McDonald	McNeil	Morris	Nance
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Rucker	Scavuzzo	Schoemehl	Schupp
Storch	Swinger	Talboy	Thomson	Todd
Viebrock	Wallace	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Zimmerman	

NOES: 092

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Burnett	Casey	Cooper	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Frame	Gatschenberger	Grisamore	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Koenig
Kraus	Kuessner	Lair	Largent	Leara
LeVota	Lipke	Loehner	McGhee	McNary
Meiners	Molendorp	Munzlinger	Nieves	Parkinson
Parson	Pollock	Pratt	Riddle	Roorda
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Tilley	Tracy	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 011

Diehl	Dougherty	Hobbs	Hughes	LeBlanc
Liese	McClanahan	Meadows	Nolte	Spreng
Vogt				

VACANCIES: 001

Representative Tilley moved the previous question.

## Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Hoskins 80	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meiners	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 011

Cunningham	Dougherty	Flook	Holsman	Hughes
LeBlanc	McGhee	Meadows	Nasheed	Spreng
Vogt				

VACANCIES: 001

Representative Dieckhaus moved that **House Amendment No. 7, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 034

Allen	Bivins	Burlison	Calloway	Cox
Davis	Dieckhaus	Dougherty	Emery	Ervin
Flook	Funderburk	Hoskins 80	Icet	Jones 63
Jones 89	Koenig	Lipke	McNary	Meiners
Nasheed	Nieves	Nolte	Parkinson	Riddle
Ruestman	Sander	Scharnhorst	Schoeller	Silvey
Stevenson	Sutherland	Tilley	Tracy	

NOES: 122

Atkins	Aull	Ayres	Biermann	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dixon
Dugger	Dusenberger	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Frame	Franz
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Loehner	Low	McClanahan
McDonald	McNeil	Molendorp	Morris	Munzlinger
Nance	Newman	Norr	Oxford	Pace
Parson	Pollock	Pratt	Quinn	Roorda
Rucker	Ruzicka	Salva	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoemehl
Schupp	Self	Shively	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Swinger	Talboy	Thomson	Todd	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Hughes	LeBlanc	McGhee	Meadows
Vogt				

VACANCIES: 001

Representative Tilley moved the previous question.



## Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Flook	Grisamore	LeBlanc	McGhee	Meadows
Vogt				

VACANCIES: 001

On motion of Representative Wallace, **HCS#2 HB 1543, as amended**, was adopted.On motion of Representative Wallace, **HCS#2 HB 1543, as amended**, was ordered perfected and printed.

**HCS HB 2048**, relating to sales tax collections, was taken up by Representative Sutherland.

Representative Sutherland offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2048, Sections 140.910, 140.915, and 140.920, Pages 3-9, by deleting all of said sections; and

Further amend said bill, Sections 143.621, 143.631, 143.831, and 143.841, Pages 9-11, by deleting all of said sections; and

Further amend said bill, Sections 144.230, 144.240, 144.261, and 147.040, Pages 13-15, by deleting all of said sections; and

Further amend said bill, Section 473.401, Pages 15-16, Lines 1-28, by deleting all of said section; and

Further amend said bill, Section 2, Page 16, Lines 1-9, by deleting all of said section and inserting in lieu thereof the following:

**“Section 2. Notwithstanding any other provision of law, any tax imposed or collected by any municipality, any county or any taxing entity on or related to any transient accommodations, whether imposed as a hotel tax, occupancy tax or otherwise, shall apply solely to amounts actually received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp or other place in which rooms are furnished to the public. Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel. This section shall not apply if the purchaser of such rooms is an entity that is exempt from payment of the tax.”; and**

Further amend said bill, Section B, Page 16, Line 3, by deleting the words, “section 144.018” and inserting in lieu thereof the words, “sections 144.018, 1, and 2”; and

Further amend said bill, Section B, Page 17, Line 5, by deleting the words, “section 144.018” and inserting in lieu thereof the words, “sections 144.018, 1, and 2”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sutherland, **House Amendment No. 1** was adopted.

On motion of Representative Sutherland, **HCS HB 2048, as amended**, was adopted.

On motion of Representative Sutherland, **HCS HB 2048, as amended**, was ordered perfected and printed.

**HCS HBs 1695, 1742 & 1674**, relating to driving while intoxicated, was taken up by Representative Stevenson.

Representative Stevenson offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 8, Section 479.010, Line 1, by deleting the words “**section 577.023 or section 577.700**” and inserting in lieu thereof the following:

**“section 577.023.18”**; and

Further amend said bill, Page 10, Section 479.170, Line 10, by inserting immediately after the words “**alcohol-related**” the following:

“**enforcement**”; and

Further amend said bill, Page 11, Section 558.400, Line 1, by inserting immediately before the word “**Notwithstanding**”, the number “**1.**”; and

Further amend said page and section, Line 16, by inserting immediately after all of said line the following:

“**2. Any credit received by an offender shall only apply to the sentence which the offender is currently serving. Participation in such programs shall be at the discretion of the department of corrections as otherwise provided for by statute and regulation.**”; and

Further amend said bill, Pages 19-20, Section 577.023, Lines 139-144, by deleting all of said lines and inserting in lieu thereof the following:

“**(1) Any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section 577.023 or had two or more previous alcohol-related enforcement contacts as defined in section 302.525;**

**(2) Any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001, if the defendant has been convicted, found guilty, or pled guilty to a previous intoxication-related traffic offense as defined in section 577.023 and the pending offense resulted in physical injury requiring medical attention to a person other than the driver; or**”; and

Further amend said bill, Page 22, Section 577.041, Line 46, by deleting all of said line and inserting in lieu thereof the following:

“chemical test, such person may petition for a hearing before a circuit **division** or associate circuit **division of the court**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Witte offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 1, Line 5, by inserting after all of said line the following:

“Further amend said bill, Page 9, Section 479.020, Line 33, by inserting after the phrase “**section 577.023**” on said line the word “**including**”; and”; and

Further amend said amendment, Page 1, Line 20, by inserting after all of said line the following:

“Further amend said bill, Page 18, Section 577.023, Lines 100-103, by removing all of said lines from the bill and inserting in lieu thereof the following:

“**If a municipal court finds a person to be a persistent offender, aggravated offender, or chronic offender as described in this subsection and subsection 16 of this section, then it shall transfer the case to the appropriate circuit court with jurisdiction for further proceedings.**”; and”; and

Further amend said amendment, Page 2, Line 9, by inserting after all of said line the following:

“Further amend said bill, Page 25, Section 577.041, Line 134, by enclosing in brackets the phrase “and the person shall be guilty of a class A misdemeanor” on said line; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Witte, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Stevenson, **House Amendment No. 1, as amended**, was adopted.

Representative Riddle offered **House Amendment No 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 5, Section 217.785, Line 50, by inserting after all of said line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section [304.016, RSMo]**304.012, RSMo** 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

(14) Endangerment of a highway worker in violation of section 304.585, RSMo 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585, RSMo 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385, RSMo, may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 2** was adopted.

Representative Cox offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 10, Section 479.170, Line 15, by inserting immediately after the word “**injury**” the following:

“**requiring medical attention**”; and

Further amend said bill, Page 15, Section 577.020, Lines 72-81, by deleting all of said lines and inserting in lieu thereof the following:

**“8. Due to the imminent destruction of evidence that may occur if a blood sample is not drawn in a timely manner, a blood sample may be extracted without a warrant and without consent from a person suspected of operating a motor vehicle in an intoxicated condition if that person has refused to submit to a chemical test authorized under this section. Any law enforcement officer taking a blood sample under this section shall file a probable cause affidavit setting forth the basis for the blood draw with the associate circuit court within seventy-two hours of arrest. Such affidavit must be executed by the seizing officer stating the basis for the blood draw and showing probable cause for such blood draw. The associate circuit judge shall review the affidavit ex parte and determine whether probable cause existed for the blood draw. The blood draw shall be tested and the results of the blood test on such sample are admissible in evidence pursuant to the exigent circumstances exception to the warrant requirement only after a judge of competent jurisdiction has determined that probable cause existed for the blood draw. No law enforcement officer who requests that a blood sample be drawn for the purpose of determining an individual’s blood alcohol content shall be civilly liable for damages to the individual from which the blood was drawn, unless for gross negligence or by willful or wanton act or omission.”; and**

Further amend said bill, Page 21, Section 577.041, Line 18, by inserting after the word “**blood**” the following:

**“in accordance with section 577.020.8”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 3** was adopted.

Representative Keeney offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 20, Section 577.029, Lines 9-11, by deleting all of said lines and inserting in lieu thereof the following:

“withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Keeney, **House Amendment No. 4** was adopted by the following vote:

AYES: 111

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Burlison
Carter	Casey	Chappelle-Nadal	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hodges	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kingery
Koenig	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	McNary	Molendorp	Munzlinger

Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 040

Bruns	Burnett	Colona	Curls	Fallert
Frame	Grill	Harris	Hobbs	Holsman
Hoskins 80	Hughes	Jones 63	Kelly	Kirkton
Komo	Kratky	LeVota	Low	McDonald
McNeil	Morris	Nasheed	Newman	Oxford
Pace	Roorda	Rucker	Schoemehl	Schupp
Skaggs	Spreng	Still	Talboy	Walsh
Walton Gray	Webb	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 30	Brown 50	Calloway	Cooper	Corcoran
LeBlanc	Meadows	Meiners	Sutherland	Vogt
Webber				

VACANCIES: 001

Representative Fischer (107) offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 9, Section 479.170, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“479.170. **1. The provisions of this section shall be known as and referred to as "Cary's Law".**

**2.** If, in the progress of any trial before a municipal judge, it shall appear to the”; and

Further amend by renumbering said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fischer (107), **House Amendment No. 5** was adopted.

Representative Burnett offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for House Bills Nos. 1695, 1742 & 1674, Page 5, Section 217.785, Line 50, by inserting after all of said line the following:

“302.321. 1. A person commits the crime of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended, or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended, or revoked.

2. Any person convicted of driving while revoked is guilty **of an infraction** [of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class D felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class D felony on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense].”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burnett, **House Amendment No. 6** was adopted.

Representative Silvey offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 12, Section 577.010, by removing all of said section and inserting in lieu thereof the following:

“577.010. 1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class B misdemeanor, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class A misdemeanor**. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.”; and

Further amend said page, Section 577.012, by removing all of said section and inserting in lieu thereof the following:

“577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.



3. For the first offense, driving with excessive blood alcohol content is a class B misdemeanor, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class A misdemeanor.**"; and

Further amend said bill, Page 16, Section 577.023, by removing all of said section and inserting in lieu thereof the following:

"577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or  
(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690, RSMo;

(4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class D felony.**

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class C felony.**

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class B felony.**

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony, **unless the offense occurred while a passenger under the age of sixteen was in the vehicle, in which case such offense is a class A felony.**

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Silvey, **House Amendment No. 7** was adopted.

Representative Colona offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 12, Section 577.010, Lines 10-12, by deleting all of said lines and inserting in lieu thereof the following:

“probation for a minimum of two years. **For such first offense, if the**”; and

Further amend said bill, page, and section, Lines 22-23, by deleting all of said lines; and

Further amend said bill and page, Section 577.012, Lines 10-12, by deleting all of said lines and inserting in lieu thereof the following:

“misdemeanor. **For such first offense, if the individual operated the motor vehicle**”; and

Further amend said bill, Page 13, Section 577.012, Lines 21-22, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Colona, **House Amendment No. 8** was adopted.

Representative Roorda offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 9, Section 479.020, Lines 39-40, by deleting all of said lines and inserting in lieu thereof the following:

“**central repository. Circuit court clerks and municipal court clerks shall retain records of the judgment, charging document, any amendments to the charging document and waiver of counsel, if applicable, pertaining to intoxication-related traffic offense convictions for not less than fifty years. The state**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roorda, **House Amendment No. 9** was adopted.

On motion of Representative Stevenson, **HCS HBs 1695, 1742 & 1674, as amended**, was adopted.

On motion of Representative Stevenson, **HCS HBs 1695, 1742 & 1674, as amended**, was ordered perfected and printed.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2014, as amended**, and requests the House to take up and pass **SCS HCS HB 2014, as amended**.

**BILL CARRYING REQUEST MESSAGE**

**SCS HCS HB 2014, as amended**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that **SCS HCS HB 2014, as amended**, be adopted.

Representative Talboy made a substitute motion that the House refuse to adopt **SCS HCS HB 2014, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences on Section 14.005.

Which motion was defeated by the following vote:

AYES: 063

Atkins	Aull	Ayres	Bringer	Brown 30
Burlison	Burnett	Calloway	Casey	Conway
Curls	Dixon	Dusenberg	Englund	Fallert
Fischer 107	Frame	Funderburk	Grill	Grisamore
Harris	Hodges	Hughes	Kander	Keeney
Kingery	Kraus	Kuessner	Lampe	LeVota
McClanahan	McDonald	McGhee	McNeil	Nance
Newman	Norr	Pratt	Quinn	Riddle
Roorda	Rucker	Scavuzzo	Schaaf	Schieffer
Schoemehl	Shively	Skaggs	Spreng	Stevenson
Swinger	Talboy	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Wilson 130	Witte	Yaeger		

NOES: 092

Allen	Biermann	Bivins	Brandom	Brown 50
Brown 149	Bruns	Carter	Chappelle-Nadal	Colona
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Emery	Ervin	Faith
Flanigan	Flook	Franz	Gatschenberger	Guernsey
Guest	Hobbs	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kelly	Kirkton	Koenig	Komo	Kratky
Lair	Largent	Leara	Liese	Lipke
Loehner	McNary	Molendorp	Morris	Munzlinger
Nasheed	Nieves	Nolte	Oxford	Pace
Parkinson	Parson	Pollock	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Schupp	Self	Silvey
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Thomson	Tilley	Tracy	Webber
Weter	Whitehead	Wilson 119	Wright	Zerr
Zimmerman	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Fisher 125	LeBlanc	Low	Meadows
Meiners	Vogt			

VACANCIES: 001

Representative Skaggs made a substitute motion that the body instruct the Clerk to retain possession of **SCS HCS HB 2014, as amended**.

The Chair ruled the motion not in order.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Iceet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	McClanahan	McDonald
McNeil	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Corcoran	Fisher 125	Holsman	LeBlanc
Low	Meadows	Meiners	Vogt	

VACANCIES: 001

Representative Icet again moved that **SCS HCS HB 2014, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 075

Allen	Biermann	Bivins	Brown 50	Bruns
Burlison	Carter	Chappelle-Nadal	Colona	Cooper
Cox	Cunningham	Curls	Deeken	Diehl
Dougherty	Emery	Ervin	Faith	Flanigan
Flook	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 80	Hummel	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kirkton	Koenig
Komo	Kratky	Lair	Leara	Liese
Lipke	McNary	McNeil	Molendorp	Morris
Nasheed	Nieves	Nolte	Oxford	Pace
Parson	Riddle	Ruestman	Ruzicka	Sander
Sater	Schad	Scharnhorst	Self	Silvey
Smith 14	Stevenson	Still	Storch	Stream
Sutherland	Thomson	Tilley	Walton Gray	Webber
Whitehead	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 079

Atkins	Aull	Ayres	Brandom	Bringer
Brown 30	Brown 149	Burnett	Casey	Conway
Davis	Day	Denison	Dethrow	Dieckhaus
Dixon	Dugger	Dusenberg	Englund	Fallert
Fischer 107	Frame	Franz	Funderburk	Grill
Grisamore	Harris	Hodges	Holsman	Hoskins 121
Hughes	Kander	Kingery	Kraus	Kuessner
Lampe	Largent	LeVota	Loehner	McClanahan
McDonald	McGhee	Munzlinger	Nance	Newman
Norr	Parkinson	Pollock	Pratt	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schaaf
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Skaggs	Smith 150	Spreng	Swinger
Talboy	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Webb	Wells	Weter
Wilson 119	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Corcoran	Fisher 125	LeBlanc	Low
Meadows	Meiners	Vogt		

VACANCIES: 001

**SCS HCS HB 2014, as amended**, was laid over.

### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 88** - Fiscal Review (Fiscal Note)

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS#2 HB 1543** - Fiscal Review (Fiscal Note)

**HCS HB 2048** - Fiscal Review (Fiscal Note)

### **COMMITTEE REPORTS**

**Committee on Corrections and Public Institutions**, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was returned **HCS HB 1644**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Financial Institutions**, Chairman Cunningham reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 2201**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1650**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1822**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1380**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, April 8, 2010.

**COMMITTEE MEETINGS**

**AGRICULTURE POLICY**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 6.  
Possible Executive session and possible Work session.  
Public hearing to be held on: HB 1367, HB 1455, SB 795

**BUDGET**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 3.  
Tax Credit Review.  
Executive session may follow.  
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

**BUDGET**

Tuesday, April 13, 2010, 8:00 a.m. Hearing Room 3.  
Tax Credit Review.  
Executive session may follow.  
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

**BUDGET**

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 3.  
Tax Credit Review.  
Executive session may follow.  
Public hearing to be held on: HB 2016, SCR 36, SS SB 757

**CORRECTIONS AND PUBLIC INSTITUTIONS**

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 2137, SCS SB 774

**FISCAL REVIEW**

Thursday, April 8, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.



INSURANCE POLICY

Thursday, April 8, 2010, Hearing Room 7 upon morning adjournment.  
Executive session only.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 8, 2010, 9:00 a.m. Hearing Room 1.  
2nd Quarter meeting.

RULES - PURSUANT TO RULE 25(32)(f)

Thursday, April 8, 2010, Hearing Room 1 upon morning adjournment.  
Possible Executive session.

Public hearing to be held on: HCR 70, HCS HB 1244, HCS HB 1316, HB 1444,  
HCS HB 1584, HB 1636, HCS#2 HB 1812, HCS HB 1905, HB 1945, HCS HB 2225

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND  
ETHICS REFORM

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 4.  
Public hearing to be held on: SS#2 SCS SB 577

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION  
FUNDING

Monday, April 12, 2010, 10:00 a.m.  
APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.  
Tour of storage yard and asphalt plant to increase familiarity with  
asphalt and applications using asphalt.

TOURISM

Thursday, April 8, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: SCS SB 721, SCS SB 644, SB 649

TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.  
APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.  
Tour storage yard and asphalt plant to increase familiarity with  
asphalt and applications using asphalt.

TRANSPORTATION

Tuesday, April 13, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.  
Executive session may follow.  
Public hearing to be held on: SB 716, SS SCS SB 781

WAYS AND MEANS

Thursday, April 8, 2010, 8:30 a.m. Hearing Room 5.  
Possible Executive session.  
Public hearing to be held on: SS SCS SB 588, SB 628, SB 686

**HOUSE CALENDAR**

FORTY-NINTH DAY, THURSDAY, APRIL 8, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HJR 78 - Smith (150)
- 4 HCS HJR 64 - Cox
- 5 HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HB 2272 - Fisher (125)
- 5 HCS HB 2053 - Wallace
- 6 HCS HB 1966 - Diehl
- 7 HCS HB 2357 - Smith (150)
- 8 HCS HB 2081 - Riddle
- 9 HCS HB 1994 - Zerr
- 10 HCS HB 1404 - Cox
- 11 HCS HB 1524 & 2260 - Largent
- 12 HCS HB 1788 - Parson
- 13 HCS HB 1871 - Schoeller
- 14 HB 1960 - Ruestman
- 15 HCS HB 2070 - Kelly
- 16 HCS HB 2262 & 2264 - Day

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HJR 88, (Fiscal Review 4-7-10) - Nieves

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1787 - Jones (117)
- 2 HCS#2 HB 1543, (Fiscal Review 4-7-10) - Wallace
- 3 HCS HB 2048, (Fiscal Review 4-7-10), E.C. - Sutherland

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCR 25, 29 & 39, (3-4-10, Pages 459-460) - Guest

**BILLS CARRYING REQUEST MESSAGES**

SCS HCS HB 2014, as amended - Icet

**HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FORTY-NINTH DAY, THURSDAY, APRIL 8, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

*All you hosts of the Lord, bless the Lord;  
Praise and exalt him above all forever.*

*Sun and moon, bless the Lord;  
Praise and exalt him above all forever.  
(Daniel 3:61-62)*

Holy Lord, our God, we thank You for the gifts of nature that sustain our very lives and give us joy.

We thank You for the work we are accomplishing this week, and ask Your grace to complete the work of this day.

We pray for the families of our State, especially those with minor children. Help the parents to be strong in love and character, that they might raise children full of health and happiness. Give us the wisdom to know how best to support the parents in the growth and education of their children and youth.

To You, Almighty God, be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Spencer Price, Hunter Hathcoat and Alma Liley.

The Journal of the forty-eighth day was approved as printed.

## **SPECIAL RECOGNITION**

Susanne Mitko was introduced by Representative Kraus and recognized as Missouri's Teacher of the Year for 2009-2010.

The Central Missouri Saints Home School Girls Basketball Team was introduced by Representative Riddle and recognized for attaining the 2010 Division 1 6-A National Championship.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1794 through House Resolution No. 1828

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 88** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 HB 1543** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 2048** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## THIRD READING OF HOUSE JOINT RESOLUTION

**HJR 88**, relating to state sovereignty, was taken up by Representative Nieves.

On motion of Representative Nieves, **HJR 88** was read the third time and passed by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hoskins 121
Iceet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stream	Sutherland	Swinger
Thomson	Tilley	Tracy	Viebrock	Wallace
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	McClanahan	McDonald
McNeil	Meiners	Morris	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Salva	Scavuzzo	Schoemehl	Schupp	Skaggs

Spreng	Still	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 013

Calloway	Corcoran	Dieckhaus	LeBlanc	Low
Meadows	Rucker	Sander	Schieffer	Stevenson
Storch	Vogt	Wasson		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### THIRD READING OF HOUSE BILLS

**HCS#2 HB 1543**, relating to elementary and secondary education, was taken up by Representative Wallace.

On motion of Representative Wallace, **HCS#2 HB 1543** was read the third time and passed by the following vote:

AYES: 129

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Fallert	Fischer 107	Fisher 125	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Icet	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nolte	Norr
Pace	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Stream	Sutherland	Swinger	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 017

Bringer	Burlison	Burnett	Cooper	Davis
Harris	Hoskins 80	Hughes	Jones 89	LeVota
Low	Nieves	Oxford	Skaggs	Spreng
Talboy	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Calloway	Corcoran	Dieckhaus	Faith
Flanigan	Franz	LeBlanc	Meadows	Parkinson
Rucker	Sander	Schlottach	Storch	Tilley
Vogt				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 139

Atkins	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Hummel	Icet	Jones 63	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 013

Burnett	Davis	Hoskins 80	Hughes	Jones 89
LeVota	Low	Nasheed	Nieves	Oxford
Skaggs	Spreng	Talboy		

PRESENT: 000

ABSENT WITH LEAVE: 010

Allen	Calloway	Corcoran	Dieckhaus	Flanigan
LeBlanc	Meadows	Rucker	Storch	Vogt

VACANCIES: 001

**HCS HB 1787**, relating to firearms and defensive use of force, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HCS HB 1787** was read the third time and passed by the following vote:

AYES: 128

Aull	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Casey	Colona	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McGhee	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 023

Atkins	Burnett	Carter	Chappelle-Nadal	Curls
Englund	Jones 63	Kirkton	Low	McDonald



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McNeil	Morris	Newman	Oxford	Pace
Schoemehl	Schupp	Still	Talboy	Walsh
Walton Gray	Webb	Whitehead		

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Calloway	Cooper	Corcoran	Dieckhaus
Flanigan	LeBlanc	Meadows	Rucker	Storch
Vogt				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS HB 2048**, relating to sales tax collections, was taken up by Representative Sutherland.

On motion of Representative Sutherland, **HCS HB 2048** was read the third time and passed by the following vote:

AYES: 148

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 003

Hughes	Skaggs	Spreng
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PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Bruns	Calloway	Corcoran	Dieckhaus
Flanigan	LeBlanc	Meadows	Rucker	Storch
Vogt				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 004

Burnett	Hughes	Skaggs	Spreng
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PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Corcoran	Dieckhaus	Flanigan	LeBlanc
Meadows	Rucker	Storch	Vogt	

VACANCIES: 001

## HOUSE CONCURRENT RESOLUTION

**HCS HCRs 25, 29 & 39**, relating to the Tenth Amendment, was taken up by Representative Guest.

Representative Faith assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Guest, **HCS HCRs 25, 29 & 39** was adopted by the following vote:

AYES: 104

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Casey	Conway	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kraus
Lair	Largent	Lipke	Loehner	McClanahan
McGhee	McNary	Meiners	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 049

Atkins	Brown 50	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Curls	Dougherty	Englund
Fallert	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McDonald	McNeil	Morris	Nasheed
Newman	Norr	Oxford	Pace	Roorda

Salva	Schoemehl	Schupp	Skaggs	Spreng
Still	Talboy	Walsh	Walton Gray	Webb
Webber	Whitehead	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper	Corcoran	Dieckhaus	Leara	LeBlanc
Meadows	Rucker	Storch	Vogt	

VACANCIES: 001

## PERFECTION OF HOUSE BILLS

**HCS HBs 2262 & 2264**, relating to the Missouri Youth Challenge Academy, was taken up by Representative Day.

On motion of Representative Day, **HCS HBs 2262 & 2264** was adopted.

On motion of Representative Day, **HCS HBs 2262 & 2264** was ordered perfected and printed.

**HCS HB 2357**, relating to investments in foreign companies, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HCS HB 2357** was adopted by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey

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Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Corcoran	Dieckhaus	Hoskins 80	LeBlanc
Meadows	Rucker	Scharnhorst	Storch	Vogt
Webb	Whitehead			

VACANCIES: 001

On motion of Representative Smith (150), **HCS HB 2357** was ordered perfected and printed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Brown 50	Cooper	Corcoran	Dieckhaus	Hoskins 80
Jones 63	LeBlanc	McGhee	Meadows	Nasheed
Rucker	Salva	Scharnhorst	Storch	Vogt
Webb	Whitehead			

VACANCIES: 001

Speaker Richard assumed the Chair.

### BILL CARRYING REQUEST MESSAGE

**SCS HCS HB 2014, as amended**, relating to appropriations, was taken up by Representative Icet.

Representative Wallace, having voted on the prevailing side, moved that the vote by which **SCS HCS HB 2014, as amended**, was defeated, be reconsidered.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dugger	Dusenberger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 063

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan

McDonald	McNeil	Meiners	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Swinger
Talboy	Todd	Walsh	Walton Gray	Webber
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 014

Corcoran	Dieckhaus	Hoskins 80	Jones 63	LeBlanc
McGhee	Meadows	Nasheed	Rucker	Scharnhorst
Storch	Vogt	Webb	Whitehead	

VACANCIES: 001

Representative Wallace, having voted on the prevailing side, again moved that the vote by which **SCS HCS HB 2014, as amended**, was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 090

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dugger	Dusenberg
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Kratky	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 055

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Colona	Conway
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Hughes
Hummel	Kander	Komo	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng

Still	Swinger	Talboy	Todd	Walsh
Walton Gray	Webber	Witte	Yaeger	Zimmerman

PRESENT: 003

Calloway	Chappelle-Nadal	McNeil
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ABSENT WITH LEAVE: 014

Corcoran	Dieckhaus	Emery	Hoskins 80	Jones 63
LeBlanc	Meadows	Nasheed	Rucker	Scharnhorst
Storch	Vogt	Webb	Whitehead	

VACANCIES: 001

Representative Icet moved that **SCS HCS HB 2014, as amended**, be adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meiners	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Salva	Scavuzzo	Schieffer	Schoemehl	Shively
Skaggs	Spreng	Still	Swinger	Talboy



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Todd	Walsh	Walton Gray	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 015

Corcoran	Dieckhaus	Flook	Hoskins 80	Jones 63
LeBlanc	McGhee	Meadows	Nasheed	Rucker
Schupp	Storch	Vogt	Webb	Whitehead

VACANCIES: 001

On motion of Representative Icet, **SCS HCS HB 2014, as amended**, was adopted by the following vote:

AYES: 097

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Brown 149	Bruns	Burlison	Calloway
Chappelle-Nadal	Cooper	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Diehl	Dugger
Emery	Ervin	Faith	Fisher 125	Flanigan
Franz	Funderburk	Gatschenberger	Guernsey	Guest
Hobbs	Holsman	Hoskins 121	Hughes	Hummel
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Lair	Largent	Leara	Liese	Lipke
Loehner	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Oxford	Parkinson	Parson	Pollock
Riddle	Ruestman	Ruzicka	Sander	Sater
Schad	Scharnhorst	Schlottach	Schoeller	Schoemehl
Self	Silvey	Smith 14	Smith 150	Still
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Webber	Wells
Weter	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 052

Aull	Bringer	Brown 30	Brown 50	Burnett
Carter	Casey	Colona	Conway	Curls
Davis	Dixon	Dougherty	Dusenberg	Englund
Fallert	Fischer 107	Frame	Grill	Grisamore
Harris	Hodges	Kander	Kraus	Kuessner
Lampe	LeVota	Low	McClanahan	McDonald
Newman	Norr	Pace	Pratt	Quinn
Roorda	Salva	Scavuzzo	Schaaf	Schieffer
Schupp	Shively	Skaggs	Spreng	Stevenson
Swinger	Talboy	Todd	Walsh	Walton Gray
Witte	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 013

Corcoran	Dieckhaus	Flook	Hoskins 80	Jones 63
LeBlanc	Meadows	Nasheed	Rucker	Storch
Vogt	Webb	Whitehead		

VACANCIES: 001

On motion of Representative Icet, **SCS HCS HB 2014, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 096

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Brown 149	Bruns	Burlison	Calloway
Chappelle-Nadal	Cooper	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Diehl	Dugger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Lair	Largent	Leara	Liese	Lipke
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Oxford	Parkinson	Parson	Pollock	Riddle
Ruestman	Ruzicka	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Schoemehl	Self
Silvey	Smith 14	Smith 150	Still	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 051

Aull	Bringer	Brown 30	Brown 50	Burnett
Carter	Casey	Colona	Conway	Curls
Davis	Dixon	Dusenberg	Englund	Fallert
Fischer 107	Frame	Grill	Grisamore	Harris
Hodges	Hughes	Kander	Kraus	Kuessner
Lampe	LeVota	McClanahan	McDonald	Newman
Norr	Pace	Pratt	Quinn	Roorda
Salva	Scavuzzo	Schaaf	Schieffer	Schupp
Shively	Skaggs	Spreng	Stevenson	Swinger
Talboy	Todd	Walsh	Walton Gray	Witte
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 015

Corcoran	Dieckhaus	Dougherty	Hoskins 80	Jones 63
LeBlanc	Loehner	Low	Meadows	Nasheed
Rucker	Storch	Vogt	Webb	Whitehead

VACANCIES: 001

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 80** - Budget

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1583** - Retirement  
**HB 1835** - Tax Reform  
**HB 2246** - Public Safety  
**HB 2460** - Elementary and Secondary Education  
**HB 2464** - Elementary and Secondary Education  
**HB 2471** - Energy and Environment  
**HB 2472** - Energy and Environment

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 54** - Budget

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SB 733** - Higher Education  
**SB 739** - Public Safety  
**SS SB 786** - Special Standing Committee on General Laws  
**SB 819** - Tourism  
**SS SCS SB 920** - Health Care Policy  
**SCS SB 942** - Public Safety  
**SS SB 984** - Judiciary

## COMMITTEE REPORTS

### **Committee on Crime Prevention**, Chairman Lipke reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 1451**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Financial Institutions**, Chairman Cunningham reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SB 758**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCS SB 772**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SB 773**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Healthcare Transformation**, Chairman Schaaf reporting:

Mr. Speaker: Your Committee on Healthcare Transformation, to which was referred **HB 2255**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 2156**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 1205**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Tourism**, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **SB 649**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **HB 2388**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Urban Issues**, Chairman Hoskins (80) reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 2230**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1498**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 808**, entitled:

An act to repeal sections 473.739 and 473.742, RSMo, and to enact in lieu thereof two new sections relating to public administrators.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 877**, entitled:

An act to repeal sections 452.340, 454.475, 454.517, 454.557, and 454.1003, RSMo, and to enact in lieu thereof five new sections relating to child support.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 971**, entitled:

An act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 976**, entitled:

An act to repeal section 160.254, RSMo, and to enact in lieu thereof two new sections relating to the race to the top program, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, April 12, 2010.

### **COMMITTEE MEETINGS**

#### **AGRI-BUSINESS**

Tuesday, April 13, 2010, 9:00 a.m. Hearing Room 4.

Possible Executive session.

Public hearing to be held on: HB 2291

#### **AGRICULTURE POLICY**

Tuesday, April 13, 2010, 8:30 a.m. Hearing Room 7.

Work session.

Executive session may follow.

#### **BUDGET**

Tuesday, April 13, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow.

Public hearing to be held on: HB 2016, SCR 36, SS SB 757

#### **BUDGET**

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow.

Public hearing to be held on: HB 2016, SCR 36, SS SB 757

#### **FISCAL REVIEW**

Wednesday, April 14, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, April 15, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### PUBLIC SAFETY

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 6.

Work session on HB 2417.

Executive session may follow.

Public hearing to be held on: HB 1229

#### RETIREMENT

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 4.

Executive session to follow.

Following the afore mentioned business the committee will be discussing SS SB 714.

Public hearing to be held on: HB 2162, HB 2113, HB 2122, HB 2221

#### RULES - PURSUANT TO RULE 25(32)(f)

Monday, April 12, 2010, Hearing Room 3 upon afternoon adjournment.

Possible Executive session.

Public hearing to be held on: HCR 70, HCS HB 1244, HCS HB 1316, HB 1444, HCS HB 1584, HB 1636, HCS#2 HB 1812, HCS HB 1905, HB 1945, HCS HB 2225, HJR 62, HB 1625

#### SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 13, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held.

Public hearing to be held on: HCR 77, HJR 93, SS SCS SB 605, SS SB 786

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 5.

Executive session.

#### SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour of storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

#### TRANSPORTATION

Monday, April 12, 2010, 10:00 a.m.

APAC MO Inc., 1591 E Prathersville Rd, Columbia, MO.

Tour storage yard and asphalt plant to increase familiarity with asphalt and applications using asphalt.

**TRANSPORTATION**

Tuesday, April 13, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.  
Executive session may follow.

Public hearing to be held on: SB 716, SS SCS SB 781

**UTILITIES**

Tuesday, April 13, 2010, Hearing Room 1 upon morning recess.  
Executive session may follow.

Public hearing to be held on: SB 791, SB 897

**HOUSE CALENDAR**

FIFTIETH DAY, MONDAY, APRIL 12, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HJR 78 - Smith (150)
- 4 HCS HJR 64 - Cox
- 5 HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HB 2272 - Fisher (125)
- 5 HCS HB 2053 - Wallace
- 6 HCS HB 1966 - Diehl
- 7 HCS HB 2081 - Riddle
- 8 HCS HB 1994 - Zerr
- 9 HCS HB 1404 - Cox
- 10 HCS HBs 1524 & 2260 - Largent
- 11 HCS HB 1788 - Parson
- 12 HCS HB 1871 - Schoeller
- 13 HB 1960 - Ruestman
- 14 HCS HB 2070 - Kelly

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HBs 2262 & 2264, E.C. - Day
- 2 HCS HB 2357 - Smith (150)



**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

**SENATE BILLS FOR SECOND READING**

- 1      SCS SB 808
- 2      SB 877
- 3      SB 971
- 4      SB 976

**HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTIETH DAY, MONDAY, APRIL 12, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, we acknowledge Your presence in our lives and in this place. May Your praise be continually in our mouth. May our soul make its boast in You, LORD, and not in ourselves. Hear us as we seek You, this day, and deliver us from all our fears.

Help us to identify and eliminate the distractions of life that could lead to disillusionment and confusion. Show us Your way; the way of truth. Teach us Your path, that we might walk in the way of wisdom and understanding.

As deadlines become imminent and pressures mount, grant us the peace that passes all understanding that would guard our hearts, thoughts, speech and actions. May emotion give way to reflection and offense to rational thought.

Grant us the will to make decisions and take actions that will benefit all those living in Missouri. May we passionately pursue and always do what is right in Your sight.

Now may You Lord bless and protect us in our coming and going. May You be pleased with our work in this place. May You be gracious to us, show us Your favor, and give us Your peace.

In the name of Your Son, I pray. Amen. *(Partially excepted from 40 Days of Revival in Missouri)*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Jason Miller.

The Journal of the forty-ninth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1829 through House Resolution No. 1909

## SECOND READING OF SENATE BILLS

SCS SB 808, SB 877, SB 971 and SB 976 were read the second time.

## PERFECTION OF HOUSE BILL

**HCS HB 1994**, relating to excursion gambling boats, was taken up by Representative Zerr.

Representative Bringer offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1994, Section 313.805, Page 3, Line 89, by inserting after all of said line the following:

**“313.819. 1. No person who has been found guilty of or has pled guilty to the crime of nonsupport of a spouse or child under section 568.040 shall be admitted on an excursion gambling boat or in a casino in this state until such time as the person has satisfied all arrearages due.**

**2. The family support division within the department of social services shall provide a list to every excursion gambling boat or casino in this state containing the names of all persons known to the division who are barred from admittance on an excursion gambling boat or casino under subsection 1 of this section. Such list shall be updated by the division on at least a monthly basis and may be provided in an electronic format.**

**3. The restriction on admittance to excursion gambling boats and casinos in this state contained in this section is intended to operate as a remedial measure only for the sole purpose of protecting the financial support of the spouse and children in this state.**

**4. Any excursion gambling boat or casino that knowingly permits a person barred from admittance under subsection 1 of this section to gamble on such boat or in such casino shall be subject to a fine of one thousand dollars.**

**5. Any person who has been barred from admission on an excursion gambling boat under the provisions of this section who then satisfies in full all arrearages may petition the court in the county where he or she was found guilty of or pled guilty to the crime of nonsupport of a spouse or child under section 568.040 to have the court order the family support division within the department of social services to remove such person's name from the list of those who are barred from admittance and further order the family support division to notify all excursion gambling boats and casinos in this state to remove such person's name from their list of persons who are barred. The court shall grant such petition and enter such orders upon proof by the petitioner that all arrearages have been satisfied in full. If the court finds that all arrearages have not been satisfied in full the petition shall be denied.**

**6. If a person barred from admittance under subsection 1 of this section is admitted to the excursion gambling boat or casino and subsequently wins something of value, the excursion gambling boat or casino shall be prohibited from awarding such a person with his or her winnings or prizes and shall instead remit the full value of such winnings or prizes to the child support enforcement service of the family support division of the department of social services within fifteen calendar days. The amount of such winnings or prizes shall be awarded to the spouse or child to whom the support payment is due by the child support enforcement service of the family support division of the department of social services”; and**

Further amend said bill, Section 313.830, Page 6, Line 84, by inserting after all of said line the following:

**“568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide, without good cause, adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.**

**2. For purposes of this section:**

**(1) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, RSMo, or chapter 210, RSMo, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;**

**(2) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his or her inability to support;**

**(3) "Support" means food, clothing, lodging, and medical or surgical attention;**

(4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivisions (2) and (4) of subsection 2 and subsection 3 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. If at any time a defendant convicted of criminal nonsupport is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due may be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court or administrative ordered support, only. If the defendant fails to pay the current support and arrearages as ordered, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. [Beginning January 1, 1991,] Every prosecuting attorney in any county which has entered into a cooperative agreement with the [division of] child support enforcement **service of the family support division of the department of social services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged.

**11. Any person who has been found guilty of or has pled guilty to criminal nonsupport of a spouse or a child under this section shall be barred from admittance on an excursion gambling boat or casino in this state until all arrearages due are satisfied in accordance with section 313.819. The restriction on admittance to excursion gambling boats and casinos in this state contained in this subsection and section 313.819 is intended to operate as a remedial measure only for the sole purpose of protecting the financial support of the spouses and children in this state.**

**12. Any person who has been barred from admission on an excursion gambling boat under the provisions of subsection 11 of this section and in accordance with the provisions of section 313.819 who then satisfies in full all arrearages may petition the court in the county where he or she was found guilty of or pled guilty to the crime of nonsupport of a spouse or child to have the court order the family support division within the department of social services to remove such person's name from the list of those who are barred from admittance and further order the family support division to notify all excursion gambling boats and casinos in this state to remove such person's name from their list of persons who are barred. The court shall grant such petition and enter such orders upon proof by the petitioner that all arrearages have been satisfied in full. If the court finds that all arrearages have not been satisfied in full the petition shall be denied.**

**13. Any person who violates the provisions of subsection 11 of this section is guilty of a class B misdemeanor.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Nieves raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Flook offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1994, Page 1, Line 4, by inserting immediately before the word “**nonsupport**” the word “**felony**”; and

Further amend said amendment, Page 1, Line 16, by deleting all of said line and inserting in lieu thereof the following:

**“subject to such disciplinary action as the Missouri Gaming Commission determines is appropriate under the circumstances of the offense.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly; and

Further amend Page 1, Line 5, by inserting after the word "state" the following:

"for the purposes of gambling".

**HCS HB 1994, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, pending**, was laid over.

### **SIGNING OF HOUSE BILL**

All other business of the House was suspended while **SCS HCS HB 2014** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HBs 1695, 1742 & 1674** - Fiscal Review (Fiscal Note)

### **RE-REFERRAL OF SENATE BILLS**

The following Senate Bills were re-referred to the Committee indicated:

**SS SB 786** - Health Care Policy  
**SB 819** - Public Safety  
**SS SCS SB 920** - Judiciary  
**SS SB 984** - Tourism

## COMMITTEE REPORTS

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2252**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Vice Chairman Cox reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 70**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 62** begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1244**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1316**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1444**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1584**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1625**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1636**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 1812**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1905**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1945**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2225**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

**ADJOURNMENT**

Representative Tilley moved that the House stand adjourned until 10:00 a.m., Tuesday, April 13, 2010.

Which motion was adopted by the following vote:

AYES: 125

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Carter	Casey	Chappelle-Nadal	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kingery	Koenig	Komo
Kratky	Kuessner	Lair	Lampe	Largent
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nolte	Norr	Parkinson	Parson	Pollock
Quinn	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 029

Atkins	Biermann	Bringer	Burnett	Dixon
Englund	Fischer 107	Harris	Holsman	Hughes
Kander	Kelly	Kirkton	Kraus	LeVota
Low	McNeil	Nieves	Oxford	Pratt
Roorda	Schupp	Skaggs	Smith 150	Spreng
Still	Talboy	Vogt	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Colona	Diehl	Hoskins 80	Leara
LeBlanc	Pace	Rucker		

VACANCIES: 001

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Tuesday, April 13, 2010, 9:00 a.m. Hearing Room 4.

Possible Executive session.

Public hearing to be held on: HB 2291

### AGRICULTURE POLICY

Tuesday, April 13, 2010, 8:30 a.m. Hearing Room 7.

Work session.

Executive session may follow.

### BUDGET

Tuesday, April 13, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow.

Public hearing to be held on: HB 2016, SCR 36, SS SB 757

### BUDGET

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2016, SCR 36, SS SB 757, SCR 54

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1911

### ENERGY AND ENVIRONMENT

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2471, HB 2472

### ENERGY AND ENVIRONMENT

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 5.

Executive session.

### FISCAL REVIEW

Wednesday, April 14, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### FISCAL REVIEW

Thursday, April 15, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.



HIGHER EDUCATION

Tuesday, April 13, 2010, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SCS SB 733

INSURANCE POLICY

Wednesday, April 14, 2010, 12:00 p.m. Hearing Room 7.

Executive session only.

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 13, 2010, 5:00 p.m. Hearing Room 7.

Executive session.

JUDICIARY

Wednesday, April 14, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

PUBLIC SAFETY

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 6.

Work session on HB 2417.

Executive session may follow.

Public hearing to be held on: HB 1229

RETIREMENT

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 4.

Executive session to follow.

Following the afore mentioned business the committee will be discussing SS SB 714.

Public hearing to be held on: HB 2162, HB 2113, HB 2122, HB 2221

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 13, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held. AMENDED

Public hearing to be held on: HCR 77, HJR 93, SS SCS SB 605, SS SB 786, SCS SB 942

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Tuesday, April 13, 2010, 12:00 p.m. Hearing Room 5.

Executive session.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 14, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1373, HB 2286, HB 2353, SCS SB 754

#### **TAX REFORM**

Wednesday, April 14, 2010, 8:15 a.m. Hearing Room 5.

Executive session may be held.

Public hearing to be held on: HB 1835

#### **TRANSPORTATION**

Tuesday, April 13, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow.

Public hearing to be held on: SB 716, SS SCS SB 781

#### **UTILITIES**

Tuesday, April 13, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: SB 791, SB 897

#### **WAYS AND MEANS**

Tuesday, April 13, 2010, Hearing Room 1 upon afternoon adjournment.

Executive session.

### **HOUSE CALENDAR**

FIFTY-FIRST DAY, TUESDAY, APRIL 13, 2010

#### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HJR 78 - Smith (150)
- 4 HCS HJR 64 - Cox
- 5 HCS HJR 94 - Dethrow

#### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HB 2272 - Fisher (125)
- 5 HCS HB 2053 - Wallace
- 6 HCS HB 1966 - Diehl
- 7 HCS HB 2081 - Riddle
- 8 HCS HB 1994, HA 1 to HA 1, HA 1, pending - Zerr
- 9 HCS HB 1404 - Cox
- 10 HCS HBs 1524 & 2260 - Largent
- 11 HCS HB 1788 - Parson
- 12 HCS HB 1871 - Schoeller
- 13 HB 1960 - Ruestman
- 14 HCS HB 2070 - Kelly

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HBs 2262 & 2264, E.C. - Day
- 2 HCS HB 2357 - Smith (150)
- 3 HCS HBs 1695, 1742 & 1674, (Fiscal Review 4-12-10) - Stevenson

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

**HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-FIRST DAY, TUESDAY, APRIL 13, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

*Praise the Lord, all you nations;  
Glorify him, all you peoples!*

*For steadfast is his kindness toward us,  
And the fidelity of the Lord endures forever.  
(Psalm 117)*

Holy Lord, our God, as we go about our work this day, may we remember Your word about justice; "Justice and justice alone shall be your aim..." (*Deuteronomy 16:20*).

May we so fulfill Your call to justice that we merit Your steadfast kindness!

To You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ryan Masterson, Bella Hogan, Emily Goodwin, Jack Ferrara, Katie Swenson, Bradley Boucher, Scott Goldman, Spenser Deeken, Tosha Aleck and Nathan Hicks.

The Journal of the fiftieth day was approved as corrected.

## SPECIAL RECOGNITION

The Lindenwood University Lions Football Team was introduced by Representatives Smith (14) and Zerr and recognized for their 2009 undefeated regular season and for attending the NAIA national championship game.

Ashley Strohmeier, Miss Missouri, was introduced by Representatives Riddle and Deeken.

The Montrose Lady Bluejays Basketball Team was introduced by Representative Largent and recognized for attaining the 2009-2010 Class 1 State Championship.

## HOUSE RESOLUTION

Representative Faith offered House Resolution No. 1950.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1910 through House Resolution No. 1949

House Resolution No. 1951 through House Resolution No. 1996

## SIGNING OF HOUSE BILL

Having been duly signed in open session of the Senate, **SCS HCS HB 2014** was delivered to the Governor by the Chief Clerk of the House.

## PERFECTION OF HOUSE BILLS

**HB 2272**, relating to the Second Injury Fund, was taken up by Representative Fisher (125).

Representative Burnett offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Bill No. 2272, Section 287.715, Page 4, Lines 62 and 63, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Burnett moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 075

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Lipke	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Silvey	Skaggs
Spreng	Still	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zerr	Zimmerman

NOES: 082

Allen	Ayres	Bivins	Brandom	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis

Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 005

Hoskins 80	LeBlanc	Newman	Storch	Wallace
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VACANCIES: 001

On motion of Representative Fisher (125), **HB 2272** was ordered perfected and printed.

Representative Jones (89) assumed the Chair.

**HCS HB 1404**, relating to adequate control of an animal, was taken up by Representative Cox.

Representative Webber offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1404, Page 2, Section 578.017, Line 8, by inserting after said line the following:

"4. Subsection 1 of this section shall not apply if the person who is bitten or injured taunts, provokes, harms or attempts to harm the said animal.".

On motion of Representative Webber, **House Amendment No. 1** was adopted.

On motion of Representative Cox, **HCS HB 1404, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 1404, as amended**, was ordered perfected and printed.

**HCS HB 1994, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, pending**, relating to excursion gambling boats, was taken up by Representative Zerr.

**House Amendment No. 1 to House Amendment No. 1** was withdrawn.

Representative Flook offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1994, Section 313.805, Page 3, Line 89, by inserting after all of said line the following:

“313.813. 1. The commission may promulgate rules allowing a person that is a problem gambler to voluntarily exclude him/herself from an excursion gambling boat. Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140, RSMo, if such person enters an excursion gambling boat.

2. A judge may order a person who has pled guilty to or is found guilty of felony criminal nonsupport under section 568.040 to enroll as a self-excluded problem gambler under this section as a condition of probation. Such person shall be treated as a self-excluded problem gambler for all other provisions of law.

313.819. 1. The family support division within the department of social services shall provide a list to every excursion gambling boat or casino in this state containing the names of all persons known to the division who are barred from admittance on an excursion gambling boat or casino under subsection 2 of section 313.813. Such list shall be updated by the division on at least a monthly basis and may be provided in an electronic format.

2. Any person who has been barred from admission on an excursion gambling boat under the provisions of this section who then satisfies in full all support arrearages and court fines may petition the circuit court in the county where he or she was found guilty of or pled guilty to the crime of nonsupport under section 568.040 to request the court order that such person’s name be removed from the commission’s problem gambler exclusion status or prohibitions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Funderburk offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1**.

**House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was withdrawn.

On motion of Representative Flook, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 131

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Calloway	Carter	Casey	Conway	Cooper
Cox	Cunningham	Curls	Davis	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Hummel	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kraus	Kuessner

Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McNary	McNeil	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Walton Gray	Wasson	Webb	Wells	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 016

Burnett	Chappelle-Nadal	Colona	Corcoran	Hughes
Kander	Meadows	Salva	Spreng	Talboy
Vogt	Walsh	Webber	Weter	Whitehead
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 015

Brown 30	Brown 50	Burlison	Day	Dusenberg
Holsman	Hoskins 80	Icet	Koenig	LeBlanc
McGhee	Meiners	Nasheed	Storch	Wallace

VACANCIES: 001

On motion of Representative Zerr, **HCS HB 1994, as amended**, was adopted.

On motion of Representative Zerr, **HCS HB 1994, as amended**, was ordered perfected and printed.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

### **SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HCS HB 1498** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HCS HB 1498** was delivered to the Governor by the Chief Clerk of the House.



Speaker Pro Tem Pratt resumed the Chair.

## PERFECTION OF HOUSE BILLS

**HCS HBs 1524 & 2260**, relating to military members and veterans, was taken up by Representative Largent.

Representative Bivins offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1524 & 2260, Page 19, Section 194.119, Line 55, by inserting after all of said line the following:

**“301.3158. Any person who has been awarded the military service award known as the legion of merit medal may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the legion of merit medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "LEGION OF MERIT" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the legion of merit medal. There shall be an additional fee charged for each set of legion of merit license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Bivins, **House Amendment No. 1** was adopted.

Representative Wright offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 1524 & 2260, Section A, Line 17, by inserting immediately after said line the following:

**“34.074. 1. As used in this section, the term "service-disabled veteran" means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.**

**2. As used in this section, the term "service-disabled veteran business" means a business concern:**

**(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and**

**(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.**

**3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give a three-point bonus preference to**

**service-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable].**

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no **or an insufficient number of** such veterans doing business in this state [meet the quality of performance and price standards required in subsection 3 of this section] **submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political subdivision**, such [preference] goal shall not be required **and the provisions of subdivision (1) of this subsection shall not apply**;

(3) **The commissioner of administration may promulgate rules in order to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or disapprove and annul a rule subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 2** was adopted by the following vote:

AYES: 149

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Tracy	Vogt	Walsh

Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 005

Atkins	Oxford	Pace	Schupp	Webb
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PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	LeBlanc	Salva	Spreng	Storch
Todd	Viebrock	Wallace		

VACANCIES: 001

On motion of Representative Largent, **HCS HBs 1524 & 2260, as amended**, was adopted.

On motion of Representative Largent, **HCS HBs 1524 & 2260, as amended**, was ordered perfected and printed.

**HCS HB 2081**, relating to the use of force to defend an unborn child, was taken up by Representative Riddle.

On motion of Representative Riddle, **HCS HB 2081** was adopted.

On motion of Representative Riddle, **HCS HB 2081** was ordered perfected and printed by the following vote:

AYES: 133

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McGhee
McNary	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Stream	Sutherland

Swinger	Thomson	Tilley	Tracy	Walsh
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 020

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Dougherty	Hughes	Low	McDonald	McNeil
Morris	Newman	Oxford	Pace	Schupp
Still	Talboy	Vogt	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 009

Carter	Cooper	Franz	LeBlanc	Pollock
Storch	Todd	Viebrock	Wallace	

VACANCIES: 001

**HCS HB 2070**, relating to emergency dispatching services, was taken up by Representative Kelly.

Representative Dieckhaus offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2070, Page 3, Section 321.243, Line 69, by inserting immediately after the word “**government**” the following:

“**and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants**”; and

Further amend said bill, page, and section, Line 70, by inserting immediately after the word “**imposed**” the word “**any**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dieckhaus, **House Amendment No. 1** was adopted.

On motion of Representative Kelly, **HCS HB 2070, as amended**, was adopted.

On motion of Representative Kelly, **HCS HB 2070, as amended**, was ordered perfected and printed.

**HCS HB 1871**, relating to environmental protection, was taken up by Representative Schoeller.

Representative Holsman offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1871, Page 5, Section 67.2800, Line 10, by deleting the word “other”; and

Further amend said bill, page and section, Lines 39-40, by deleting said lines and inserting in lieu thereof the following:

**“(10) “Property assessed clean energy local finance fund”, a fund that may be established by the authority for the purpose of making loans to clean energy”; and**

Further amend said bill, Page 6, Section 67.2805, Lines 4-6, by deleting all of said lines and inserting in lieu thereof the following:

**“energy local finance fund; and  
(2) Any clarification to the definitions of energy efficiency improvement and”; and**

Further amend said bill, Page 7, Section 67.2810, Line 41, by deleting the words “the authority and with”; and

Further amend said bill, Page 7, Section 67.2810, Line 46, by deleting the word “such” and inserting in lieu thereof the words “the preceding calendar”; and

Further amend said bill, Page 7, Section 67.2810, Line 47, by inserting immediately after the word “incurred” the words “during the preceding calendar year”; and

Further amend said bill, Page 8, Section 67.2810, Line 49, by deleting said line and inserting in lieu thereof the following:

**“improvements financed during the preceding calendar year; and”; and**

Further amend said bill, Page 8, Section 67.2810, Lines 51-53, by deleting all of said lines and inserting in lieu thereof the following:

**“improvements financed during the preceding calendar year.”; and**

Further amend said bill, Page 8, Section 67.2810, Line 56, by inserting immediately after the word “ordinance” the words “or order”; and

Further amend said bill, Page 8, Section 67.2810, Line 58, by deleting the words “under thereto” and inserting in lieu thereof the words “by a clean energy development board”; and

Further amend said bill, Page 8, Section 67.2815, Line 16, by inserting immediately after the word “received” the words “or will receive”; and

Further amend said bill, Page 8, Section 67.2815, Lines 17-20, by deleting all of said lines and inserting in lieu thereof the following:

**“board that equals or exceeds the total assessments due under the assessment contract;  
(4) An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;”; and**

Further amend said bill, Page 9, Section 67.2815, Line 23, by deleting the word “will” and inserting in lieu thereof the word “shall”; and

Further amend said bill, Page 9, Section 67.2815, Line 26, by deleting the word “will” and inserting in lieu thereof the word “shall”; and

Further amend said bill, Page 9, Section 67.2815, Lines 36-39, by deleting all of said lines and inserting in lieu thereof the following:

**“4. The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.”; and**

Further amend said bill, Page 9, Section 67.2830, Line 44, by deleting the word **“other”**; and

Further amend said bill, Page 10, Section 67.2830, Line 9, by deleting the word **“anything”** and inserting in lieu thereof the words **“any provision”**; and

Further amend said bill, Page 10, Section 67.2835, Line 6, by inserting after all of said line the following:

“260.005. As used in sections 260.005 to 260.125, the following words and terms mean:

(1) "Authority", the state environmental improvement and energy resources authority created by sections 260.005 to 260.125;

(2) "Bonds", bonds issued by the authority pursuant to the provisions of sections 260.005 to 260.125;

(3) "Cost", the expense of the acquisition of land, rights-of-way, easements and other interests in real property and the expense of acquiring or constructing buildings, improvements, machinery and equipment relating to any project, including the cost of demolishing or removing any existing structures, interest during the construction of any project and engineering, research, legal, consulting and other expenses necessary or incident to determining the feasibility or practicability of any project and carrying out the same, all of which are to be paid out of the proceeds of the bonds or notes authorized by sections 260.005 to 260.125;

(4) "Disposal of solid waste or sewage", the entire process of storage, collection, transportation, processing and disposal of solid wastes or sewage;

(5) "Energy conservation", the reduction of energy consumption;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Notes", notes issued by the authority pursuant to sections 260.005 to 260.125;

(8) "Pollution", the placing of any noxious substance in the air or waters or on the lands of this state in sufficient quantity and of such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

(9) "Project", any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery, equipment, and devices or modifications to a building or facility, acquired or constructed, or to be acquired or constructed for the purpose of developing energy resources or preventing or reducing pollution or the disposal of solid waste or sewage or providing water facilities or resource recovery facilities or carrying out energy efficiency modifications in, but not limited to, buildings owned by the state or providing for energy conservation or increased energy efficiency **or renewable energy**;

(10) **“Renewable energy”, the production of energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems;**

(11) "Resource recovery", the recovery of material or energy from solid waste;

[(11)](12) "Resource recovery facility", any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse;

[(12)](13) "Resource recovery system", a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues;

[(13)](14) "Revenues", all rents, installment payments on notes, interest on loans, revenues, charges and other income received by the authority in connection with any project and any gift, grant, or appropriation received by the authority with respect thereto;

[(14)](15) "Sewage", any liquid or gaseous waste resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(15)](16) "Solid waste", garbage, refuse, discarded materials and undesirable solid and semisolid residual matter resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(16)](17) "Synthetic fuels", any solid, liquid, or gas or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivatives thereof, including chemical feedstocks) and which is produced by chemical or physical transformation (other than washing, coking, or desulfurizing) of domestic sources of coal, including lignite and peat; shale; tar sands, including heavy oils; water as a source of hydrogen only through electrolysis, and mixtures of coal and combustible liquids including petroleum; and

[(17)](18) "Water facilities", any facilities for the furnishing of water for industrial, commercial, agricultural or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, related equipment and machinery."; and

Further amend said bill, Pages 10-14, Sections 260.035 and 260.036, by deleting said sections; and

Further amend said bill, Page 14, Section 260.080, Lines 4-7, by deleting said lines and inserting in lieu thereof the following:

**"to otherwise carry out the provisions of sections 260.005 to 260.125.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Holsman, **House Amendment No. 1** was adopted.

Representative Ruzicka offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1871, Page 17, Section 260.244, Line 100, by inserting after all of said line the following:

"260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo, except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate [June 30, 2011] **December 31, 2011.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ruzicka, **House Amendment No. 2** was adopted.

Representative Loehner offered **House Amendment No. 3**.

Representative Bivins raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Rucker offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1871, Sections 640.300, 640.305, 640.310, 640.315, 640.320, 640.325, 640.330, 640.335, 640.340, and 640.345, by striking all of said sections; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Rucker moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Atkins	Aull	Biermann	Bringer	Burnett
Casey	Colona	Conway	Corcoran	Curls
Dougherty	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	Meadows
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Swinger	Talboy
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

NOES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Holsman	Hoskins 121
Icet	Jones 89	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka



Sander	Sater	Schaaf	Schad	Scharnhorst
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

PRESENT: 002

Jones 117                      McNeil

ABSENT WITH LEAVE: 012

Brown 50	Calloway	Carter	Chappelle-Nadal	Cooper
LeBlanc	Salva	Schlottach	Storch	Todd
Vogt	Wallace			

VACANCIES: 001

### Representative Hobbs offered **House Amendment No. 5**.

#### *House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 1871, Page 17, Section 260.244, Line 100, by inserting after all of said line the following:

"260.965. The provisions of sections 260.900 to 260.965 shall expire August 28, [2012] **2022**."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hobbs, **House Amendment No. 5** was adopted.

On motion of Representative Schoeller, **HCS HB 1871, as amended**, was adopted.

On motion of Representative Schoeller, **HCS HB 1871, as amended**, was ordered perfected and printed.

### **PERFECTION OF HOUSE JOINT RESOLUTION**

**HJR 78**, relating to the adoption of a constitutional amendment, was taken up by Representative Smith (150).

Representative Nieves assumed the Chair.

Representative Skaggs requested a division of the question on **HJR 78**.

On motion of Representative Smith (150), **Part I of HJR 78** was ordered perfected and printed by the following vote:

AYES: 121

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kingery
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Largent	Leara	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 032

Atkins	Burnett	Chappelle-Nadal	Colona	Conway
Englund	Frame	Hoskins 80	Hughes	Jones 63
Kelly	Kirkton	Lampe	LeVota	Liese
Low	Meiners	Morris	Newman	Norr
Oxford	Pace	Roorda	Schaaf	Schupp
Spreng	Talboy	Walsh	Walton Gray	Webb
Whitehead	Yaeger			

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	Carter	Curls	LeBlanc	Salva
Storch	Todd	Vogt	Wallace	

VACANCIES: 001

On motion of Representative Smith (150), **Part II of HJR 78** was ordered perfected and printed by the following vote:

AYES: 092

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Burlison	Cooper
Cox	Cunningham	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Harris	Hobbs	Hoskins 121	Iceet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Kuessner	Largent	Leara	Liese
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wasson	Wells	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 061

Atkins	Aull	Brown 50	Burnett	Calloway
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Curls	Day	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Guest	Hodges
Holsman	Hoskins 80	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Lair
Lampe	LeVota	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Newman
Norr	Oxford	Pace	Roorda	Rucker
Schoemehl	Schupp	Skaggs	Spreng	Still
Talboy	Vogt	Walsh	Walton Gray	Webb
Webber	Weter	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bruns	Carter	Flook	Hughes	LeBlanc
Salva	Storch	Todd	Wallace	

VACANCIES: 001

## REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

**HR 1950** - Rules

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 2032** - Special Standing Committee on General Laws

**HB 2132** - Special Standing Committee on Professional Registration and Licensing

**HB 2194** - Special Standing Committee on Professional Registration and Licensing

**HB 2343** - Utilities

**HB 2439** - Financial Institutions

## REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SCS SB 583** - Insurance Policy

**SB 741** - Elections

**SS SB 928** - Special Standing Committee on General Laws

**SB 981** - Ways and Means

**SB 987** - Higher Education

## COMMITTEE REPORTS

**Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SCR 36**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to adopt a balanced budget amendment to the United States Constitution that requires a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual federal budget; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1647**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE

April 13, 2010

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
95<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 2014** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2010.

On April 13, 2010, I approved said **Senate Committee Substitute for House Committee Substitute for House Bill No. 2014**. In approving this bill, I note that Article IX, Section 3(a) of the Missouri Constitution requires that "[a]ll appropriations by the state for the support of free public schools and the income from the public school fund shall be paid at least annually and distributed according to law." (emphasis added). In February, the Department of Elementary and Secondary Education informed public school administrators that available education funding would be distributed proportionally among all public schools pursuant to the foundation formula. This notice from the department reflected appropriate application of Chapter 163, RSMo, and allowed school districts to anticipate the amount of additional funding they could expect to receive this year.

Section 14.005 of **Senate Committee Substitute for House Committee Substitute for House Bill No. 2014** states, in pertinent part, "...provided that, notwithstanding the provisions of Section 163.031, RSMo, to the contrary, the Department of Elementary and Secondary Education shall modify the foundation formula phase-in percentages pursuant to Section 163.031.4(4) to accommodate the total amount of available appropriations in fiscal year 2010...." (emphasis added). The aforementioned language attempts to amend existing law by requiring the department to ignore certain provisions of Section 163.031, RSMo, - to the financial detriment of many public school districts - in violation of Article III, Section 23 of the Missouri Constitution which prohibits legislating through an appropriations bill.

The language in Section 14.005, purporting to deviate from current law, is legal surplusage and beyond the constitutional authority of the General Assembly. Therefore, consistent with the requirements of Article IX, Section 3(a), and in recognition of the limitations imposed by Article III, Section 23, the Department of Elementary and Secondary Education shall distribute the funds appropriated under Section 14.005 of **Senate Committee Substitute for House Committee Substitute for House Bill No. 2014** consistent with existing law.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, April 14, 2010.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fiftieth day, Monday, April 12, 2010, Page 920, Line 30, by inserting immediately after said line the following:

**SCS SB 942** - Special Standing Committee on General Laws

## **AFFIDAVIT**

I, State Representative Bob Dixon, District 140, hereby state and affirm that my vote as recorded on Page 824 of the Journal of the House for Thursday, April 1, 2010 that House Bill No. 2114 was read the third time and passed as No. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted Yes. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, my vote was incorrectly recorded, and the correct vote should have been recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on the 13<sup>th</sup> day of April, 2010.

/s/ Bob Dixon  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 13<sup>th</sup> day of April in the year 2010.

/s/ Patricia W. Parris  
Notary Public

## **COMMITTEE MEETINGS**

### **BUDGET**

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 3.

Tax Credit Review.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2016, SS SB 757, SCR 54

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, April 14, 2010, 12:30 p.m. Hearing Room 5.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 2387, SCS SB 778

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1911

ENERGY AND ENVIRONMENT

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 2471, HB 2472

ENERGY AND ENVIRONMENT

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 5.

Executive session.

FINANCIAL INSTITUTIONS

Wednesday, April 14, 2010, House Chamber south gallery upon afternoon adjournment.

Executive session.

FISCAL REVIEW

Wednesday, April 14, 2010, 9:00 a.m. Hearing Room 2.

All bills referred to committee.

Executive session may follow. CORRECTED

FISCAL REVIEW

Thursday, April 15, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTH CARE POLICY

Wednesday, April 14, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 2123, SS SB 786

INSURANCE POLICY

Wednesday, April 14, 2010, 12:00 p.m. Hearing Room 7.

Executive session only.

JUDICIARY

Wednesday, April 14, 2010, Hearing Room 1 upon morning recess.

Executive session may follow. AMENDED

Public hearing to be held on: SS SCS SB 920

LOCAL GOVERNMENT

Wednesday, April 14, 2010, 9:30 a.m. Hearing Room 7.

Executive session only.

**PUBLIC SAFETY**

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 4.  
Executive session only.

**RULES - PURSUANT TO RULE 25(32)(f)**

Thursday, April 15, 2010, Hearing Room 1 upon morning adjournment.  
Any bills referred to committee.  
Possible Executive session.

**SMALL BUSINESS**

Wednesday, April 14, 2010, 12:00 p.m. House Chamber south gallery.  
Executive session.  
Executive session will be held on: SS SCS SBs 586 & 617

**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, April 14, 2010, 8:00 a.m. Hearing Room 1.  
Executive session.

**SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, April 14, 2010, 12:00 p.m. Hearing Room 4.  
Executive session may follow. AMENDED  
Public hearing to be held on: HB 1373, HB 2286, SCS SB 754

**TAX REFORM**

Wednesday, April 14, 2010, 8:15 a.m. Hearing Room 5.  
Executive session may be held.  
Public hearing to be held on: HB 1835

**TOURISM**

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: SS SB 984

**HOUSE CALENDAR**

FIFTY-SECOND DAY, WEDNESDAY, APRIL 14, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HCS HJR 64 - Cox
- 4 HCS HJR 94 - Dethrow
- 5 HJR 62 - McGhee



#### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HCS HB 1966 - Diehl
- 6 HCS HB 1788 - Parson
- 7 HB 1960 - Ruestman
- 8 HCS HB 1244 - Sater
- 9 HCS HB 1316 - Deeken
- 10 HB 1444 - Jones (89)
- 11 HCS HB 1473 - Thomson
- 12 HCS HB 1584 - Jones (117)
- 13 HB 1625 - Nance
- 14 HB 1636 - Wasson
- 15 HCS#2 HB 1812 - Kingery
- 16 HCS HB 1905 - Wilson (130)
- 17 HB 1945 - Brown (149)
- 18 HB 2245 - Bivins

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 2262 & 2264, E.C. - Day
- 2 HCS HB 2357 - Smith (150)
- 3 HCS HBs 1695, 1742 & 1674, (Fiscal Review 4-12-10) - Stevenson

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

#### **HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-SECOND DAY, WEDNESDAY, APRIL 14, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

LORD, Most High, You are awesome. You are the great King of all the Earth. You reign above the nations, sitting on Your holy throne. The powers of Earth are Yours - You soar over all.

LORD God, fine-tune our ears to hear what wisdom and understanding have to say. Help us to understanding, today, that wisdom has important information for us and desires to reveal it to us. Your wisdom helps us to be more informed leaders. Create in us, by Your wisdom, a distaste for pride, arrogance, dishonesty, pretense, immorality and harmful words.

May we experience Your supernatural power to break down walls in communication, walls of bias and walls of self-righteousness. Remove any obstacle that would be a hindrance to experiencing Your glorious answer to our prayers for this legislative process.

We, again, acknowledge Your sovereignty over our time, our finances, our focus, our future and this process.

Now may You, Lord God our Father, Who loved us and by Your grace gave us eternal comfort and a wonderful hope, comfort and strengthen us in every good thing we do and say.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Scott Goldman, Jac Calliot, Holly Essner, Amy Jacobsmeyer, Molly Records, Sarah Liese, Madison Evans, Abigail Fellows, Madeleine Fellows, Nolan Fellows and Madelyn Herrington.

The Journal of the fifty-first day was approved as printed.

## SPECIAL RECOGNITION

Employees of AmerenUE were introduced by Representative Lipke and recognized for their efforts to restore electricity to citizens of Southeast Missouri during the January 2009 ice storm.

The Seneca Indians High School Wrestling Team was introduced by Representative Wilson (130) and recognized for attaining the 2010 Class 1 State Championship.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1997 through House Resolution No. 2075

### COMMITTEE REPORT

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1695, 1742 & 1674** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

### PERFECTION OF HOUSE BILL

**HCS HB 1966**, relating to elections, was taken up by Representative Diehl.

Representative Diehl offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1966, Section 115.276, Page 2, Line 20, by deleting from said line the word: “**All**” and inserting in lieu thereof the phrase:

“**Except as otherwise provided in this section, all**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Diehl, **House Amendment No. 1** was adopted.

Representative Diehl offered **House Amendment No. 2**.

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1966, Section 115.427, Page 2, Lines 2 and 3, by removing all of said lines from the bill and inserting in lieu thereof the following:

“**election** shall establish their identity and eligibility to vote at the polling place by presenting a form of personal”; and

Further amend said section, Page 5, Line 104, by removing from said line the word: “**citizen**” and inserting in lieu thereof the word: “**voter**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Diehl, **House Amendment No. 2** was adopted.

Representative Hoskins (121) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1966, Page 1, Section 115.276, Line 1, by inserting before all of said line the following:

**“115.156. 1. The secretary of state shall establish procedures for absent uniformed services voters and overseas voters to request, by mail or electronically, that voter registration applications be sent to the voter, and to request that such voter registration applications be sent by mail or electronically in the preferred method of transmission designated by the voter. The secretary of state shall designate not less than one means of electronic communication for use by absent uniformed services voters and overseas voters to request voter registration applications and to send such voter registration applications.**

**2. No election authority shall refuse to accept and process any otherwise valid voter registration application submitted by an absent uniformed services voter or an overseas voter solely on the basis of restrictions on paper type.”; and**

Further amend said bill, Page 2, Section 115.276, Line 32, by inserting after all of said line the following:

**“115.278. The secretary of state shall establish procedures for absent uniformed services voters and overseas voters to request, by mail or electronically, that absentee ballot applications be sent to the voter, and to request that such absentee ballot applications be sent by mail or electronically in the preferred method of transmission designated by the voter. The secretary of state shall designate not less than one means of electronic communication for use by absent uniformed services voters and overseas voters to request absentee ballot applications, to send such absentee ballot applications, and to provide related voting, balloting, and election information to such voters.**

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot [and], the address to which the ballot is to be mailed, if mailing is requested, **and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested.** Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. **Except as provided in subsection 3 of section 115.281,** all applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application. [In addition, the election authority shall provide to each absent uniformed services voter and each

overseas voter who submits an absentee ballot request an absentee ballot through the next two regularly scheduled general elections for federal office.]

(2) The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF.....

COUNTY OF....., ss.

I,....., do solemnly swear that:

(1) Before becoming a resident of this state, I resided at ..... (residence address) in ..... (town, township, village or city) of ..... County in the state of .....;

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of ....., state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November ....., ..... (year);

(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of

....., ....

Signed .....

(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF .....

COUNTY OF ....., ss.

I, ....., do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at ..... (residence address) in ..... (town, township, village or city) of ..... county in the state of .....;

(2) I moved to this election jurisdiction after the last day to register to vote in such election;  
 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held .....  
 ..... (date);  
 (4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote  
 pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.  
 Signed .....  
 (Applicant)  
 .....  
 (Residence Address)  
 Subscribed and sworn to before me this ..... day of ....., .....  
 Signed .....  
 (Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

115.281. 1. **Except as provided in subsection 3 of this section**, not later than the sixth Tuesday prior to each election, or within fourteen days after candidates' names or questions are certified pursuant to section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as possible after the proper officer calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Absentee Ballot" shall appear.

3. **Not later than forty-five days before each general, primary, and special election for federal office, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed services voters and overseas voters.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, **or in the case of absent uniformed services voters and overseas voters, by electronic transmission if electronic transmission is requested by the voter.** Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be

present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot **in person or by mail**, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability, **or the voter is an absent uniformed services voter or an overseas voter**. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. **Except as provided in subsection 4 of this section**, each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that persons in federal service, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

4. **No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of restrictions on envelope type.**

5. **As provided in the Military and Overseas Voter Empowerment Act, the secretary of state shall, in coordination with local election authorities, develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the voter's absentee ballot has been received by the appropriate election authority.**

115.292. 1. Notwithstanding any other provision of this chapter, a qualified absentee voter, as described in subsection 3 of this section, may apply for a special write-in absentee ballot within eighty days of a special, primary, or general election for federal office. Such a ballot shall be for voting for all offices being contested at such election.

2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to this section shall apply to the local election authority of the area which contains his last residence in this state for such ballot. The application for a special write-in absentee ballot may be made on the federal postcard application form, by letter, or on a form provided by the local election authority.

3. [In order to qualify for a special write-in absentee ballot, the voter shall state that he is unable to vote by any other means due to requirements of military service or due to living in isolated or extremely remote areas of the world. This statement may be made by federal postcard application, by letter, or on a form prepared by the local election authority.

4.] Upon receipt of the application, the election authority shall issue a special write-in absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference for each office, the names of specific candidates, or the names of persons whom the voter prefers.

[5.] 4. The election authority shall issue a regular absentee ballot as soon as such ballots are available. If both the regular absentee ballot and the special write-in absentee ballot are returned, the regular absentee ballot shall be counted and the special write-in absentee ballot shall be voided.

5. The special write-in absentee ballot provided for in this section shall be used instead of the federal write-in absentee ballot in general, special, and primary elections for federal office as authorized in Title 42, U.S.C. Section 1973ff-2(e), as amended.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hoskins (121), **House Amendment No. 3** was adopted.

Representative McNeil offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1966, Section A, Page 1, Line 2, by inserting after all of said section, page, and line, the following:

“115.079. 1. All election judges in each jurisdiction shall be appointed by the election authority. **If an election authority determines that there is a shortage of election judges, then judges may be selected at random from a cross-section of the voter registrations of the population within the election authority's jurisdiction, in a manner determined by the election authority. In considering individuals for selection as election judges, the election authority shall consider factors to ensure that nondiscrimination in the representation of the community is served to the greatest extent possible, including but not limited to the individual's party affiliation, geographic location, demographics, and relevant skills and experience. The election authority may use the Missouri voter registration system implemented under this chapter to assist in appointing election judges.**

2. **All qualified citizens shall have the opportunity to be considered for selection. No citizen shall be excluded from selection as a result of discrimination based on the individual's race, color, religion, sex, national origin, or economic status. No citizen shall be excluded from selection unless excused because of ill health or other good and sufficient reason as determined by the election authority.**

3. **The election authority shall notify each individual selected as an election judge by a letter mailed at least fifteen days before the required reporting date for the election.**

115.085. No person shall be appointed to serve as an election judge who is not a registered voter in this state; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote. Each election judge shall be a person of good repute and character who can speak, read, and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other elective public office, other than as a member of a political party committee or township office, except any person who is elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. **Each person selected shall, if qualified and unless excused because of ill health or other good and sufficient reason, serve for the term for which the individual was selected.** In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

115.089. Each board of election commissioners shall [have authority to] appoint election judges [for individual elections, or] for a term [coincident with the term of the board and until the judges' successors are appointed and qualified] **of two years, but no election judge shall be selected and appointed for service in more than five elections during the two-year term.** The board may ask the county committee of each major political party to submit a list of persons qualified to serve as election judges and may select and appoint judges from the lists. The board may compile a list of persons who claim no political affiliation and who volunteer to be election judges and may select and appoint judges from the list. **Election judges may be selected and appointed at least fifteen days before an election.**



115.095. **Each person selected and appointed as an election judge shall report to the office of the election authority or any other designated location to complete any necessary informational forms and to receive training for election judge duties at the time indicated in the notice of selection and appointment.** If any judge fails to act or to appear by the time fixed by law for the opening of the polls, the election authority shall be notified immediately by an election judge. The election authority or the election judges present in the polling place shall appoint another judge from the same political party as the judge failing to act or to appear. If the election judges elect a qualified temporary judge, such judge shall have full authority to act as judge for the election, except that such judge may be removed at any time by the election authority and replaced with another qualified judge from the same political party as the removed judge. Any judge selected pursuant to this section shall be selected to ensure that no political party shall have a majority of judges at any polling place and that each major political party has at least one judge serving at the polling place.

115.102. 1. An employer shall not terminate, discipline, threaten or take adverse actions against an employee based on the employee's service as an election judge, **and no person selected and appointed as an election judge shall be subjected to such actions, except that an employer may reduce the pay of an employee for each hour of work missed by an amount equal to the hourly compensation not including expenses paid to the employee for such service.**

2. An employee who is appointed to serve as an election judge may, on election day, be absent from his or her employment for the period of time that the election authority requires the employee to serve as election judge. Employees must notify employers at least seven days prior to an election that they will be absent from work on election day due to service as an election judge, **but such notice shall not be required for any person selected and appointed to fill a vacancy as an election judge on the day of an election. Any such person shall be excused upon request from any shift work for the hours during which the individual is required to serve and, if required to serve eight hours or more, for eight hours before and eight hours after the individual is required to serve.**

3. An employee discharged in violation of this section may bring a civil action against the employer within ninety days of discharge for recovery of lost wages and other damages caused by the violation and for an order directing reinstatement of the employee. If the employee prevails, the employee shall be entitled to receive reasonable attorney's fees and costs.

4. **Any person who threatens to terminate, coerces, or attempts to coerce any person in violation of this section is guilty of a class B misdemeanor. Any person who terminates such person's employment, reduces such person's regular pay, overtime pay, sick leave, or vacation time, or penalizes such person in any other way for the person's service as an election judge, is guilty of a class D felony. The election authority shall submit the names of any person violating this section to the county prosecutor with jurisdiction in the election authority's jurisdiction for prosecution under this section."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Richard assumed the Chair.

Representative McNeil moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Frame requested a division of the question on **HCS HB 1966, as amended.**

On motion of Representative Diehl, **Part I of HCS HB 1966, as amended**, was adopted by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis

Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 005

Burnett	Emery	Hughes	LeVota	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 004

LeBlanc	McGhee	Morris	Wallace
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VACANCIES: 001

**HCS HB 1966, as amended, with Part II, as amended, pending,** was laid over.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

### PERFECTION OF HOUSE BILL

**HCS HB 1966, as amended, with Part II, as amended, pending,** was again taken up by Representative Diehl.

Representative Bringer offered **House Amendment No. 1.**

Representative Cox raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Diehl, **Part II of HCS HB 1966, as amended**, was adopted by the following vote:

AYES: 080

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 89	Jones 117	Keeney	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Thomson
Tilley	Viebrock	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 012

Kingery	LeBlanc	McGhee	Meadows	Morris
Nance	Riddle	Schlottach	Sutherland	Tracy
Wallace	Whitehead			

VACANCIES: 001

On motion of Representative Diehl, **HCS HB 1966, as amended**, was ordered perfected and printed by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Viebrock	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Corcoran	Denison	LeBlanc	Meadows	Morris
Riddle	Tracy	Wallace	Whitehead	

VACANCIES: 001

**PERFECTION OF HOUSE JOINT RESOLUTION**

**HCS HJR 64**, relating to elections, was taken up by Representative Cox.

Speaker Pro Tem Pratt resumed the Chair.

Representative Cox offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 64, Section 8, Page 2, Line 35, by removing from said line the word: “**an**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Newman requested a division of the question on **HCS HJR 64, as amended**.

On motion of Representative Cox, **Part I of HCS HJR 64, as amended**, was adopted.

Representative Icet assumed the Chair.

On motion of Representative Cox, **Part II of HCS HJR 64** was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Viebrock	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 067

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Casey	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63

Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Cooper	Corcoran	LeBlanc	Meadows
Meiners	Morris	Riddle	Tracy	Wallace
Whitehead				

VACANCIES: 001

On motion of Representative Cox, **HCS HJR 64, as amended**, was ordered perfected and printed.

### **PERFECTION OF HOUSE BILLS**

**HCS HB 1788**, relating to initiative petitions and referendums, was taken up by Representative Parson.

On motion of Representative Parson, **HCS HB 1788** was adopted.

On motion of Representative Parson, **HCS HB 1788** was ordered perfected and printed.

**HCS HB 1244**, relating to a tax exemption for certain drugs, was taken up by Representative Sater.

On motion of Representative Sater, **HCS HB 1244** was adopted.

On motion of Representative Sater, **HCS HB 1244** was ordered perfected and printed.

**HCS HB 1584**, relating to manufactured homes, was taken up by Representative Jones (117).

**HCS HB 1584** was laid over.

**THIRD READING OF HOUSE BILLS**

**HCS HBs 2262 & 2264**, relating to the Missouri Youth Challenge Academy, was taken up by Representative Day.

On motion of Representative Day, **HCS HBs 2262 & 2264** was read the third time and passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Molendorp	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Viebrock	Walsh	Walton Gray	Wasson
Webb	Webber	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 003

Burnett	Hughes	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 018

Brown 50	Corcoran	Jones 63	LeBlanc	Low
Meadows	Meiners	Morris	Nasheed	Pollock
Riddle	Schoemehl	Spreng	Tracy	Vogt
Wallace	Wells	Whitehead		

VACANCIES: 001

Representative Icet declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Iceť	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Molendorp	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Viebrock	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 003

Burnett	Hughes	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 017

Brown 30	Brown 50	Corcoran	Jones 63	LeBlanc
Low	Meadows	Meiners	Morris	Nasheed
Riddle	Schoemehl	Spreng	Tracy	Vogt
Wallace	Whitehead			

VACANCIES: 001

**HCS HB 2357**, relating to investments in foreign companies, was taken up by Representative Smith (150).



On motion of Representative Smith (150), **HCS HB 2357** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Ice
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Molendorp	Munzlinger	Nance	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Swinger
Talboy	Thomson	Tilley	Todd	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 001

Hughes

PRESENT: 000

ABSENT WITH LEAVE: 016

Corcoran	Jones 63	LeBlanc	Low	Meadows
Meiners	Morris	Nasheed	Riddle	Schoemehl
Spreng	Sutherland	Tracy	Vogt	Wallace
Whitehead				

VACANCIES: 001

Representative Ice declared the bill passed.

Representative Nieves assumed the Chair.

**HCS HBs 1695, 1742 & 1674**, relating to driving while intoxicated, was taken up by Representative Stevenson.

On motion of Representative Stevenson, **HCS HBs 1695, 1742 & 1674** was read the third time and passed by the following vote:

AYES: 123

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Harris
Hobbs	Hodges	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McNeil	Molendorp	Munzlinger	Nance	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Viebrock	Walsh	Wasson	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zimmerman	Mr Speaker		

NOES: 028

Atkins	Burnett	Calloway	Carter	Colona
Dethrow	Dougherty	Fallert	Guest	Holsman
Hoskins 80	Jones 63	Kratky	Low	McDonald
McNary	Nasheed	Newman	Nieves	Oxford
Pace	Sander	Spreng	Talboy	Vogt
Walton Gray	Webb	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 011

Hughes	LeBlanc	McGhee	Meadows	Meiners
Morris	Riddle	Schoemehl	Tracy	Wallace
Whitehead				

VACANCIES: 001

Representative Nieves declared the bill passed.

### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 79** - Veterans

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HCS HJR 64** - Fiscal Review (Fiscal Note)

**HJR 78** - Fiscal Review (Fiscal Note)

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 1244** - Fiscal Review (Fiscal Note)

**HCS HBs 1524 & 2260** - Fiscal Review (Fiscal Note)

**HB 1234** - Special Standing Committee on Children and Families

**HB 1907** - Judiciary

**HB 2288** - Job Creation and Economic Development

**HB 2386** - Crime Prevention

**HB 2420** - Crime Prevention

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SB 808** - Ways and Means

**SB 833** - Judiciary

**SB 848** - Agriculture Policy

**SB 893** - Judiciary

**SCS SBs 991 & 645** - Special Standing Committee on Governmental Accountability and Ethics Reform

### **COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 1833**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 2102**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Agriculture Policy**, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SB 795**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 636**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 2058**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Job Creation and Economic Development**, Chairman Flook reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **SS SB 578**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2302**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SS SCS SB 588**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Children and Families**, Chairman Davis reporting:

Mr. Speaker: Your Special Standing Committee on Children and Families, to which was referred **HB 1725**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1400**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1661**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1786**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1792**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1912**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SB 851**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SCS SB 942**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Governmental Accountability and Ethics Reform**, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Governmental Accountability and Ethics Reform, to which was referred **SS#2 SCS SB 577**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1741**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2001**, entitled:

An act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2002**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Morris.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, April 15, 2010.

## COMMITTEE MEETINGS

### BUDGET

Thursday, April 15, 2010, Hearing Room 3 upon morning adjournment.

Executive session may follow.

Tax Credit Review.

Public hearing to be held on: HB 2016, SS SB 757, SCR 54

### ENERGY AND ENVIRONMENT

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 5.

Executive session. CANCELLED

FISCAL REVIEW

Thursday, April 15, 2010, 9:00 a.m. Hearing Room 6.

All bills referred to committee.

Executive session may follow. CORRECTED

HIGHER EDUCATION

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 6.

Executive session. CANCELLED

LOCAL GOVERNMENT

Thursday, April 15, 2010, 9:00 a.m. Hearing Room 2.

Executive session only.

PUBLIC SAFETY

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 4.

Executive session only.

RULES - PURSUANT TO RULE 25(32)(f)

Thursday, April 15, 2010, Hearing Room 1 upon morning adjournment.

Any bills referred to committee.

Possible Executive session.

TOURISM

Thursday, April 15, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SS SB 984

TRANSPORTATION

Tuesday, April 20, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 2263

VETERANS

Tuesday, April 20, 2010, Hearing Room 3, 12:00 p.m. or upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 2332

**HOUSE CALENDAR**

FIFTY-THIRD DAY, THURSDAY, APRIL 15, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HCS HJR 94 - Dethrow
- 4 HJR 62 - McGhee

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS HB 1316 - Deeken
- 7 HB 1444 - Jones (89)
- 8 HCS HB 1473 - Thomson
- 9 HCS HB 1584 - Jones (117)
- 10 HB 1625 - Nance
- 11 HB 1636 - Wasson
- 12 HCS#2 HB 1812 - Kingery
- 13 HCS HB 1905 - Wilson (130)
- 14 HB 1945 - Brown (149)
- 15 HB 2245 - Bivins

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

- 1 HJR 78, (Fiscal Review 4-14-10) - Smith (150)
- 2 HCS HJR 64, (Fiscal Review 4-14-10) - Cox

**HOUSE BILLS FOR THIRD READING**

- 1 HB 2272, E.C. - Fisher (125)
- 2 HCS HB 1404 - Cox
- 3 HCS HB 1994 - Zerr
- 4 HCS HBs 1524 & 2260, (Fiscal Review 4-14-10), E.C. - Largent
- 5 HCS HB 2081 - Riddle
- 6 HCS HB 2070 - Kelly
- 7 HCS HB 1871 - Schoeller
- 8 HCS HB 1966 - Diehl
- 9 HCS HB 1788 - Parson
- 10 HCS HB 1244, (Fiscal Review 4-14-10) - Sater



**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HCS HB 2001 - Icet
- 2 SS SCS HCS HB 2002 - Icet

**HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-THIRD DAY, THURSDAY, APRIL 15, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we render unto You glory and honor, reverence and respect.

Today, we pray for all the people of our State and of our Nation who pay the taxes which support the common good. We thank You for talents, abilities and earning power which make us able to pay our taxes.

Lord God, we pray for ourselves as legislators for the ability to create tax laws and structures that are just and equitable in Your sight. Finally, we pray for the wisdom to be good stewards of the tax revenues and all the resources of state government.

To You be glory and honor now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Darby Casey, Jacob Painter, Alex Rauscher and Rend Schindler.

The Journal of the fifty-second day was approved as printed.

## SPECIAL RECOGNITION

Students and faculty of the Kelso C-7 School District were introduced by Representative Brandom and recognized for earning the Distinction in Performance rating for the 2008-2009 school year.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2076 through House Resolution No. 2192

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 64** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 78** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1244** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1524 & 2260** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

### THIRD READING OF HOUSE BILLS

**HCS HBs 1524 & 2260**, relating to military members and veterans, was taken up by Representative Largent.

On motion of Representative Largent, **HCS HBs 1524 & 2260** was read the third time and passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Vogt	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 30	Bruns	Dougherty	Hobbs	Komo
Morris	Nasheed	Parson	Pollock	Schlottach
Tracy	Wallace	Webber	Whitehead	

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Burlison
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Fallert	Fischer 107
Fisher 125	Flanigan	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Vogt	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Allen	Brown 30	Bruns	Cooper	Davis
Dougherty	Faith	Flook	Hobbs	Liese
Morris	Parson	Pollock	Schlottach	Stevenson
Tracy	Wallace	Whitehead		

VACANCIES: 001

Representative Nance assumed the Chair.

**HCS HB 2081**, relating to the use of force to defend an unborn child, was taken up by Representative Riddle.

On motion of Representative Riddle, **HCS HB 2081** was read the third time and passed by the following vote:

AYES: 131

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Burlison
Calloway	Carter	Casey	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 121	Hummel
Ice	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Viebrock	Walsh	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 021

Atkins	Burnett	Chappelle-Nadal	Colona	Dougherty
Hoskins 80	Hughes	Jones 63	Low	McDonald
Newman	Oxford	Pace	Schupp	Skaggs
Spreng	Still	Talboy	Vogt	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 30	Bruns	Cooper	Hobbs	Morris
Parson	Storch	Tracy	Wallace	Whitehead

VACANCIES: 001

Representative Nance declared the bill passed.

**HCS HB 2070**, relating to emergency dispatching services, was taken up by Representative Kelly.

On motion of Representative Kelly, **HCS HB 2070** was read the third time and passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Still	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 005

Burnett	Hughes	Leara	Sander	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 015

Brown 30	Bruns	Dugger	Flanigan	Hobbs
Low	Morris	Nolte	Parkinson	Parson
Pollock	Storch	Tracy	Wallace	Whitehead

VACANCIES: 001

Representative Nance declared the bill passed.

**HCS HB 1404**, relating to adequate control of an animal, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HB 1404** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Decken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Vogt
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 004

Burnett	Holsman	Oxford	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 30	Bruns	Diehl	Dugger	Hobbs
Low	Morris	Parson	Pollock	Storch
Tracy	Wallace	Whitehead		

VACANCIES: 001

Representative Nance declared the bill passed.

**HCS HB 1871**, relating to environmental protection, was taken up by Representative Schoeller.

On motion of Representative Schoeller, **HCS HB 1871** was read the third time and passed by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Brown 149	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Silvey	Smith 14	Smith 150	Stevenson
Still	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Vogt	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 009

Bringer	Burnett	Colona	McClanahan	Shively
Skaggs	Spreng	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 016

Brown 30	Bruns	Cooper	Frame	Hobbs
Hoskins 80	Low	Morris	Nasheed	Parson
Scavuzzo	Storch	Stream	Tracy	Wallace
Whitehead				

VACANCIES: 001

Representative Nance declared the bill passed.



**HCS HB 1244**, relating to a tax exemption for certain drugs, was taken up by Representative Sater.

On motion of Representative Sater, **HCS HB 1244** was read the third time and passed by the following vote:

AYES: 139

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 009

Atkins	Burnett	Holsman	Kander	Skaggs
Talboy	Webber	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 30	Bruns	Colona	Cooper	Frame
Hobbs	Low	Morris	Parson	Scavuzzo
Storch	Tracy	Wallace	Whitehead	

VACANCIES: 001

Representative Nance declared the bill passed.

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 1966** - Fiscal Review (Fiscal Note)

**HB 1956** - Higher Education

**HB 2382** - Energy and Environment

**HB 2411** - Transportation

## **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SB 877** - Special Standing Committee on General Laws

## **COMMITTEE REPORTS**

**Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2016**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Small Business**, Chairman Ervin reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **SS SCS SBs 586 & 617**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tourism**, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HCR 37**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## **HOUSE CONCURRENT RESOLUTION NO. 37**

WHEREAS, there are currently more than 105,000 people waiting for an organ donation, with the largest waiting group being persons 18 to 49 years of age; and

WHEREAS, more than 7,000 people die each year due to the lack of organs, with an average of 18 people dying each day while on the waiting list for an organ donation; and

WHEREAS, approximately 30,000 people a year have begun new lives thanks to an organ transplant; and

WHEREAS, organs and tissue from a single nonliving donor can be used to benefit more than 50 people. Living donors can donate a kidney and parts of their liver, lung, pancreas, or intestine, and can be evaluated to help a friend, family member, or even donate anonymously to patients of the wait list; and

WHEREAS, raising and promoting awareness and information about the need for organ and tissue donors and encouraging people to become an organ donor and tissue donor is vitally important to increase the number of lives saved and changed for the better through organ donation; and

WHEREAS, every person must be advised of their option to donate an organ. By focusing on education and donor awareness, every person can be informed on the need for organ donors; and

WHEREAS, the following excerpt is from "To Remember Me - I Will Live Forever", written by American Poet Robert Noel Test (1926 - 1994):

"...And don't call this my deathbed. Let it be called the bed of life, and let my body be taken from it to help others lead fuller lives.

Give my sight to the man who has never seen a sunrise, a baby's face or love in the eyes of a woman.

Give my heart to a person whose own heart has caused nothing but endless days of pain.

Give my blood to the teenager who was pulled from the wreckage of his car, so that he might live to see his grandchildren play.

Give my kidneys to the one who depends on a machine to exist from week to week.

Take my bones, every muscle, every fiber and nerve in my body and find a way to make a crippled child walk. Explore every corner of my brain.

Take my cells, if necessary, and let them grow so that, someday a speechless boy will shout at the crack of a bat and a deaf girl will hear the sound of rain against her window..."; and

WHEREAS, public awareness of the great need for organ donation is the key to increasing the number of organ donors and thereby saving lives and improving the quality of life for recipients of organ donation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate September 2010 as "Organ Donor Awareness Month" in Missouri.

BE IT FURTHER RESOLVED that the General Assembly encourages and recommends that people of the State of Missouri observe Organ Donor Awareness Month through activities which will increase awareness of organ donation and the need for organ donors.

Mr. Speaker: Your Committee on Tourism, to which was referred **SCS SB 644**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism, to which was referred **SS SB 984**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **SCS SB 754**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Vice Chairman Cox reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1400**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1786**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2058**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2201**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2250**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2252**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 578**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 649**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 758**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 772**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 773**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 851**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 942**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2003**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2004**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2005**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2006**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2007**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2008**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2009**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2010**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2011**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2012**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public

Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2013**, entitled:

An act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

## COMMUNICATION

April 7, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
Jefferson City, MO 65101

Pursuant to Article III Section 22 of the Missouri Constitution, we the undersigned do hereby order that the House Committee on Financial Institutions be relieved of **House Bill No. 2116** and that said bill be placed on the House Calendar for consideration. Attached are the required signatures of the needed 55 House members to place the discharged **House Bill No. 2116**.

Name	District
/s/ Paul LeVota	52
/s/ J. C. Kuessner	152
/s/ Sara Lampe	138
/s/ John Burnett	40
/s/ Margo McNeil	78
/s/ Belinda Harris	110
/s/ Jill Schupp	82
/s/ Jeanne Kirkton	91
/s/ Paul Quinn	9
/s/ Tom Todd	163
/s/ Rebecca McClanahan	2
/s/ Patricia Yaeger	96
/s/ Linda Fischer	107
/s/ Steve Hodges	161
/s/ Rochelle Gray	81

/s/ Kenny Biermann	17
/s/ Joe Aull	26
/s/ Tom Shively	8
/s/ Sharon Pace	70
/s/ Tim Meadows	101
/s/ Joseph Fallert	104
/s/ Gina Walsh	69
/s/ Stacey Newman	73
/s/ Pat Conway	27
/s/ Terry L. Witte	10
/s/ Luke Scavuzzo	124
/s/ Sue Schoemehl	100
/s/ Jeanette Mott Oxford	59
/s/ Beth Low	39
/s/ Jason Kander	44
/s/ Jake Zimmerman	83
/s/ Mike Colona	67
/s/ Vicki Englund	85
/s/ Jacob Hummel	108
/s/ Mary Still	25
/s/ Ed Schieffer	11
/s/ James Morris	58
/s/ Tom McDonald	49
/s/ Charlie Norr	137
/s/ Trent Skaggs	31
/s/ Shalonn "Kiki" Curls	41
/s/ Rachel L. Bringer	6
/s/ Jason Holsman	45
/s/ Michele Kratky	65
/s/ Steve Webb	74
/s/ Bert Atkins	75
/s/ Hope Whitehead	57
/s/ Sam Komo	90
/s/ Jason Grill	32
/s/ Michael G. Corcoran	77
/s/ Kate Meiners	46
/s/ Michael Frame	105
/s/ Leonard Hughes	42
/s/ Don Calloway	71
/s/ Rachel Storch	64
/s/ Chris Kelly	24
/s/ Michael Spreng	76
/s/ Stephen Webber	23
/s/ Chris Carter	61
/s/ Michael Brown	50

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, April 19, 2010.



## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SB 848

### BUDGET

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: SS SB 757, SCR 54

### BUDGET

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: SS SB 757, SCR 54

### ELECTIONS

Tuesday, April 20, 2010, 8:30 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: SB 741

### ENERGY AND ENVIRONMENT

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 1.

Executive session. AMENDED

### FINANCIAL INSTITUTIONS

Tuesday, April 20, 2010, House Chamber south gallery upon afternoon adjournment.

Executive session.

### FISCAL REVIEW

Tuesday, April 20, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### FISCAL REVIEW

Wednesday, April 21, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### FISCAL REVIEW

Thursday, April 22, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HIGHER EDUCATION

Monday, April 19, 2010, 2:00 p.m. Hearing Room 6.

Executive session.

Public hearing to be held on: SB 987

HIGHER EDUCATION

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1956

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 20, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2288

PUBLIC SAFETY

Tuesday, April 20, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1276, SB 739, SCS SB 887, SB 819

RETIREMENT

Tuesday, April 20, 2010, 12:00 p.m. Hearing Room 4.

Working meeting on SS SB 714.

Executive session may follow.

Public hearing to be held on: HB 1583

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Monday, April 19, 2010, House Chamber south gallery upon evening adjournment.

Executive session.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 20, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held.

Public hearing to be held on: SB 877, SS SB 928

TRANSPORTATION

Tuesday, April 20, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2263, HB 2411

UTILITIES

Tuesday, April 20, 2010, Hearing Room 1, 12:00 p.m. or upon morning recess if later than 12:00 p.m.

Executive session will be held.

Public hearing to be held on: HB 2343

VETERANS

Tuesday, April 20, 2010, 12:00 p.m. Hearing Room 3 or upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 2332

**HOUSE CALENDAR**

FIFTY-FOURTH DAY, MONDAY, APRIL 19, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HCS HJR 94 - Dethrow
- 4 HJR 62 - McGhee

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS HB 1316 - Deeken
- 7 HB 1444 - Jones (89)
- 8 HCS HB 1473 - Thomson
- 9 HCS HB 1584 - Jones (117)
- 10 HB 1625 - Nance
- 11 HB 1636 - Wasson
- 12 HCS#2 HB 1812 - Kingery
- 13 HCS HB 1905 - Wilson (130)
- 14 HB 1945 - Brown (149)
- 15 HB 2245 - Bivins
- 16 HCS HB 1400 - Cox
- 17 HCS HB 1786 - Jones (89)
- 18 HCS HB 2058 - Diehl
- 19 HCS HB 2201 - Cox
- 20 HB 2250 - Curls
- 21 HB 2252 - Faith

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

- 1 HJR 78 - Smith (150)
- 2 HCS HJR 64 - Cox

**HOUSE BILLS FOR THIRD READING**

- 1 HB 2272, E.C. - Fisher (125)
- 2 HCS HB 1994 - Zerr
- 3 HCS HB 1966, (Fiscal Review 4-15-10) - Diehl
- 4 HCS HB 1788 - Parson

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1538 - Dusenberg

**SENATE BILLS FOR THIRD READING - CONSENT**

(4/19/2010)

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 SB 773 - Smith (14)
- 5 HCS SB 851 - Parson
- 6 HCS SCS SB 942 - Dieckhaus

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HCS HB 2001 - Icet
- 2 SS SCS HCS HB 2002 - Icet
- 3 SS SCS HCS HB 2003 - Icet
- 4 SCS HCS HB 2004 - Icet
- 5 SCS HCS HB 2005 - Icet
- 6 SCS HCS HB 2006 - Icet
- 7 SCS HCS HB 2007 - Icet
- 8 SCS HCS HB 2008 - Icet
- 9 SCS HCS HB 2009 - Icet
- 10 SCS HCS HB 2010 - Icet
- 11 SCS HCS HB 2011 - Icet
- 12 SCS HCS HB 2012 - Icet
- 13 SCS HCS HB 2013 - Icet

**HOUSE RESOLUTIONS**

HR 628, (2-18-10, Pages 346-347) - Jones (117)

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION**

HB 2116 - Still

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-FOURTH DAY, MONDAY, APRIL 19, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, we praise You, as the Almighty – no one and no thing is mightier than You are. You measure the waters in the hollow of Your hand. You weigh the mountains on scales. You stretch out the heavens like a curtain. Your immensity is impossible for us to comprehend. You make the impossible possible.

Thank You for the opportunities You provide to work with wise people, today, and for the privilege of gleaning from their wisdom. It's wonderful to know that You bring every kind of understanding into our lives as we pursue the wisdom that only You provide through yielded vessels.

Grant us wisdom in this current process of finding solutions to the legislative log jams we often experience. Help us to identify the problems that inhibit the flow of good thought, judgment and action. Grant us unity of purpose and reveal to us solutions in order that we may serve our constituents well. Give us the strength and stamina necessary for the long hours of work ahead.

Now unto Him who is able to keep us from stumbling and to present us faultless before the presence of His glory with exceeding joy, to God our Savior, Who alone is wise, be glory and majesty, dominion and power, both now and forever.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifty-third day was approved as printed.

## **SPECIAL RECOGNITION**

Dr. Robert Dever was introduced by Representative Stevenson and recognized as an Outstanding Missourian.

## **HOUSE RESOLUTIONS**

House Resolution No. 2193 through House Resolution No. 2252

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 2001**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2001** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS SCS HCS HB 2002**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SS SCS HCS HB 2002** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS SCS HCS HB 2003**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SS SCS HCS HB 2003** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2004**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2004** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2005**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2005** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2006**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2006** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2007**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2007** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2008**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2008** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2009**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2009** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2010**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2010** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2011**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2011** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

#### **PERFECTION OF HOUSE JOINT RESOLUTION**

**HCS HJR 94**, relating to initiative petitions, was placed on the Informal Calendar.

#### **PERFECTION OF HOUSE BILL**

**HB 1625**, relating to children's insurance eligibility, was placed on the Informal Calendar.

### **THIRD READING OF HOUSE BILL - CONSENT**

**HB 1538**, relating to driver's license qualifications, was placed on the Informal Calendar.

### **HOUSE BILL TAKEN FROM COMMITTEE PER CONSTITUTION**

**HB 2116**, relating to payday loans, was placed on the Informal Calendar.

On motion of Representative Tilley, the House recessed until 8:15 p.m.

### **EVENING SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Pratt.

### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 2012**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2012** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 2013**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 2013** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### **THIRD READING OF HOUSE BILLS**

**HB 2272**, relating to the second injury fund, was taken up by Representative Fisher (125).

Representative Fisher (125) moved that **HB 2272** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 077

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dugger	Emery	Ervin	Faith
Fisher 125	Flanigan	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery



Koenig	Lair	Largent	Leara	McNary
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Mr Speaker			

NOES: 077

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Casey	Colona
Conway	Corcoran	Curls	Dougherty	Dusenberg
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kraus	Kuessner	Lampe	LeBlanc
LeVota	Liese	Lipke	Low	McClanahan
McDonald	McGhee	McNeil	Meadows	Meiners
Molendorp	Morris	Newman	Norr	Oxford
Pace	Quinn	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Silvey
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zerr	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Chappelle-Nadal	Cooper	Diehl	Flook
Holsman	Loehner	Roorda		

VACANCIES: 001

**HCS HB 1788**, relating to initiative petitions and referendums, was taken up by Representative Parson.

On motion of Representative Parson, **HCS HB 1788** was read the third time and passed by the following vote:

AYES: 130

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Casey	Colona
Conway	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Hoskins 121	Hummel	Ice	Jones 89	Jones 117

Kander	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 024

Ayres	Burnett	Curls	Emery	Frame
Harris	Hoskins 80	Hughes	Jones 63	Kirkton
LeBlanc	LeVota	Low	Morris	Newman
Oxford	Pace	Schupp	Skaggs	Spreng
Vogt	Walton Gray	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Chappelle-Nadal	Cooper	Diehl	Flook
Holsman	Loehner	Roorda		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### THIRD READING OF HOUSE JOINT RESOLUTION

**HJR 78**, relating to the adoption of a constitutional amendment, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HJR 78** was read the third time and passed by the following vote:

AYES: 098

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Casey
Cox	Cunningham	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Harris	Hobbs
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kratky

Kraus	Kuessner	Lair	Largent	Leara
Liese	McGhee	McNary	Meadows	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schad	Schamhorst	Schieffer	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 052

Atkins	Aull	Brown 50	Burnett	Calloway
Colona	Conway	Corcoran	Curls	Day
Englund	Frame	Grill	Guest	Hodges
Hoskins 80	Hughes	Jones 63	Kander	Kelly
Kirkton	Lampe	LeBlanc	LeVota	Lipke
Low	McClanahan	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Quinn
Rucker	Schaaf	Schoemehl	Schupp	Skaggs
Spreng	Still	Storch	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Burlison	Carter	Chappelle-Nadal	Cooper	Ervin
Flook	Holsman	Loehner	Meiners	Roorda
Salva	Schlottach			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

## HOUSE RESOLUTION

**HR 628**, relating to House employees, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HR 628** was adopted.

## PERFECTION OF HOUSE BILLS

**HCS HB 1316**, relating to property tax assessment notices, was taken up by Representative Deeken.

On motion of Representative Deeken, **HCS HB 1316** was adopted.

On motion of Representative Deeken, **HCS HB 1316** was ordered perfected and printed.

**HB 1444**, relating to required notice of public meetings, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HB 1444** was ordered perfected and printed.

### COMMITTEE REPORT

**Committee on International Trade and Immigration**, Chairman Nolte reporting:

Mr. Speaker: Your Committee on International Trade and Immigration, to which was referred **HB 1231**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 815**, entitled:

An act to repeal sections 160.400, 160.405, 160.410, 168.106, 168.745, 168.747, and 178.693, RSMo, and to enact in lieu thereof twelve new sections relating to elementary and secondary education, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 940**, entitled:

An act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 1014**, entitled:

An act to repeal sections 221.105, 558.011, 559.100, 566.067, 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof eleven new sections relating to crime, with penalty provisions and an expiration date for certain sections.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Cooper, Holsman, Loehner and Roorda.

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, April 20, 2010.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SB 848

### **BUDGET**

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: SS SB 757, SCR 54

### **BUDGET**

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: SS SB 757, SCR 54

### **ELECTIONS**

Tuesday, April 20, 2010, 8:30 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: SB 741

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, April 21, 2010, 9:30 a.m. Hearing Room 6.

Executive session will be held.

### **ENERGY AND ENVIRONMENT**

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 1.

Executive session. AMENDED

### **FINANCIAL INSTITUTIONS**

Tuesday, April 20, 2010, House Chamber south gallery upon afternoon adjournment.

Executive session.

### **FISCAL REVIEW**

Tuesday, April 20, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Wednesday, April 21, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, April 22, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### HIGHER EDUCATION

Tuesday, April 20, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1956

#### INSURANCE POLICY

Wednesday, April 21, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SCS SB 583

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 20, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2288

#### JUDICIARY

Wednesday, April 21, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 1907, SB 833, SB 893

#### LOCAL GOVERNMENT

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 7.

Executive session only.

#### PUBLIC SAFETY

Tuesday, April 20, 2010, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 1276, SB 739, SCS SB 887, SB 819

#### RETIREMENT

Tuesday, April 20, 2010, 12:00 p.m. Hearing Room 4.

Working meeting on SS SB 714.

Executive session may follow.

Public hearing to be held on: HB 1583

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, April 20, 2010, Hearing Room 5 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1234

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 20, 2010, Hearing Room 3 upon afternoon adjournment.

Executive session may be held.

Public hearing to be held on: SB 877, SS SB 928

TRANSPORTATION

Tuesday, April 20, 2010, Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow. AMENDED

Public hearing to be held on: HB 2263, HB 2411

UTILITIES

Tuesday, April 20, 2010,

Hearing Room 1, 12:00 p.m. or upon morning recess if later than 12:00 p.m.

Executive session will be held.

Public hearing to be held on: HB 2343

VETERANS

Tuesday, April 20, 2010, Hearing Room 5, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow. CORRECTED

Public hearing to be held on: HB 2332

WAYS AND MEANS

Thursday, April 22, 2010, 8:30 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 2176, SCS SB 808, SB 981

**HOUSE CALENDAR**

FIFTY-FIFTH DAY, TUESDAY, APRIL 20, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HJR 62 - McGhee

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS HB 1473 - Thomson
- 7 HCS HB 1584 - Jones (117)
- 8 HB 1636 - Wasson
- 9 HCS#2 HB 1812 - Kingery
- 10 HCS HB 1905 - Wilson (130)
- 11 HB 1945 - Brown (149)
- 12 HB 2245 - Bivins
- 13 HCS HB 1400 - Cox
- 14 HCS HB 1786 - Jones (89)
- 15 HCS HB 2058 - Diehl
- 16 HCS HB 2201 - Cox
- 17 HB 2250 - Curls
- 18 HB 2252 - Faith

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 64 - Cox



**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1994 - Zerr
- 2 HCS HB 1966, (Fiscal Review 4-15-10) - Diehl

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE BILLS FOR SECOND READING**

- 1 SCS SB 815
- 2 SB 940
- 3 SS SCS SB 1014

**SENATE BILLS FOR THIRD READING - CONSENT**

(4/19/2010)

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 SB 773 - Smith (14)
- 5 HCS SB 851 - Parson
- 6 HCS SCS SB 942 - Dieckhaus

**BILLS CARRYING REQUEST MESSAGES**

- 1 SCS HCS HB 2001, (request Senate recede/grant conference) - Icet
- 2 SS SCS HCS HB 2002, (request Senate recede/grant conference) - Icet
- 3 SS SCS HCS HB 2003, (request Senate recede/grant conference) - Icet
- 4 SCS HCS HB 2004, (request Senate recede/grant conference) - Icet
- 5 SCS HCS HB 2005, (request Senate recede/grant conference) - Icet
- 6 SCS HCS HB 2006, (request Senate recede/grant conference) - Icet
- 7 SCS HCS HB 2007, (request Senate recede/grant conference) - Icet
- 8 SCS HCS HB 2008, (request Senate recede/grant conference) - Icet
- 9 SCS HCS HB 2009, (request Senate recede/grant conference) - Icet
- 10 SCS HCS HB 2010, (request Senate recede/grant conference) - Icet
- 11 SCS HCS HB 2011, (request Senate recede/grant conference) - Icet
- 12 SCS HCS HB 2012, (request Senate recede/grant conference) - Icet
- 13 SCS HCS HB 2013, (request Senate recede/grant conference) - Icet

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HB 2116 - Still

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-FIFTH DAY, TUESDAY, APRIL 20, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

*Sun and moon bless the Lord;  
Praise and exalt him above all forever.  
(Daniel 3:62)*

Almighty God, may the ever-present sunlight this day keep us mindful of Your Divine Presence within us.

We ask that through the work of this Session we may truly serve the people of our districts. Guide us this day, so that our differences do not hinder the work of this body. Help us, so that our wisdom and strength of judgment contribute to the discernment of what is true, and right, and best for the common good.

To You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kate Lipke, Layton Lipke, Parker Lipke, Kenton White, Grant Roseman, Merideth Roseman, Jacqueline Winder, Blaise Winder, Leah Volava, Rachel Urban, Livvay Coleman, Courtney Pinnell, Mira Roberts and Angel Herod.

The Journal of the fifty-fourth day was approved as corrected.

## **SPECIAL RECOGNITION**

Lieutenant Colonel Basil Hackleman, United States Air Force, Retired, was introduced by Representative Denison and recognized as an Outstanding Missourian.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2253 through House Resolution No. 2397

## **HOUSE CONCURRENT RESOLUTION**

Representative Davis offered House Concurrent Resolution No. 81.

## SECOND READING OF SENATE BILLS

**SCS SB 815, SB 940, and SS SCS SB 1014** were read the second time.

## COMMITTEE REPORT

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1966** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## PERFECTION OF HOUSE BILLS

**HCS HB 1786**, relating to a tax credit to attract events, was taken up by Representative Jones (89).

Representative Hobbs assumed the Chair.

On motion of Representative Jones (89), **HCS HB 1786** was adopted by the following vote:

AYES: 105

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 50	Brown 149	Bruns	Calloway
Carter	Colona	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Englund	Faith
Fisher 125	Flanigan	Frame	Franz	Funderburk
Gatschenberger	Grill	Hobbs	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Kelly	Kingery
Kirkton	Komo	Kratky	Lair	Largent
Leara	LeBlanc	Liese	Loehner	McDonald
McGhee	McNary	McNeil	Meiners	Morris
Munzlinger	Nasheed	Newman	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pratt
Riddle	Ruestman	Ruzicka	Salva	Sander
Seavuzzo	Schad	Scharnhorst	Schieffer	Schlottach
Schoemehl	Schupp	Self	Silvey	Smith 14
Spreng	Still	Storch	Stream	Sutherland
Talboy	Thomson	Tilley	Viebrock	Vogt
Walsh	Walton Gray	Webb	Whitehead	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Mr Speaker

NOES: 054

Atkins	Bringer	Burlison	Burnett	Casey
Conway	Cooper	Davis	Dethrow	Dugger
Dusenberg	Emery	Ervin	Fallert	Fischer 107
Flook	Grisamore	Guernsey	Guest	Harris
Hodges	Keeney	Koenig	Kraus	Kuessner
Lampe	LeVota	Lipke	Low	McClanahan
Meadows	Molendorp	Nance	Oxford	Pollock

Quinn	Roorda	Rucker	Sater	Schoeller
Shively	Skaggs	Smith 150	Stevenson	Swinger
Todd	Tracy	Wallace	Wasson	Webber
Wells	Weter	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 003

Brown 30	Chappelle-Nadal	Schaaf
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VACANCIES: 001

On motion of Representative Jones (89), **HCS HB 1786** was ordered perfected and printed by the following vote:

AYES: 107

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Calloway	Carter	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Englund	Faith	Fisher 125	Flanigan	Frame
Franz	Funderburk	Gatschenberger	Grill	Hobbs
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Kelly	Kingery	Kirkton	Komo	Kratky
Lair	Largent	Leara	LeBlanc	Liese
Loehner	McDonald	McGhee	McNary	McNeil
Meiners	Morris	Munzlinger	Nasheed	Newman
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pratt	Riddle	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Self
Silvey	Smith 14	Spreng	Still	Storch
Stream	Sutherland	Talboy	Thomson	Tilley
Viebrock	Vogt	Walsh	Walton Gray	Webb
Whitehead	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 054

Atkins	Bringer	Burlison	Burnett	Casey
Conway	Davis	Dethrow	Dugger	Dusenberg
Emery	Ervin	Fallert	Fischer 107	Flook
Grisamore	Guernsey	Guest	Harris	Hodges
Keeney	Koenig	Kraus	Kuessner	Lampe
LeVota	Lipke	Low	McClanahan	Meadows
Molendorp	Nance	Oxford	Pollock	Quinn
Roorda	Rucker	Sater	Schaaf	Schoeller
Shively	Skaggs	Smith 150	Stevenson	Swinger
Todd	Tracy	Wallace	Wasson	Webber
Wells	Weter	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 001

Chappelle-Nadal

VACANCIES: 001

**HCS HB 1473**, relating to Access Missouri Scholarships, was taken up by Representative Thomson.

Representative Still offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1473, Page 2, Section 173.1104, Line 36, by inserting immediately after all of said line the following:

“173.1105. 1. [Beginning with the 2007-08 academic year,] An applicant who is an undergraduate postsecondary student at an approved private or public institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) **For students who first received an Access Missouri award before the 2011-2012 academic year:**

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

[(2)] (b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College; and

[(3)] (c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions.

(2) **For students who receive their first Access Missouri award in the 2011-2012 academic year and subsequently:**

(a) **One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and**

(b) **Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College, or approved private institutions.**

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's [reimbursement pursuant to section 160.545, RSMo] **payment from the A+ schools program or any successor program to it.** For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the [passage] **effective date** of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.”; and

Further amend said bill, Page 2, Section B, Line 2, by inserting immediately after the word “section” in both instances on said line the following:

“173.1104 of”; and

Further amend said bill, page, and section, Line 4, by inserting immediately after the word “section” the following:

“173.1104 of”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS HB 1473, with House Amendment No. 1, pending,** was laid over.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2001** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 2002** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 2003** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2004** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2005** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2006** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2007** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2008** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2009** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2010** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2011** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2012** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2013** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mayer, Schaefer, Rupp, Bray and Green.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**SCS HCS HB 2001:** Representatives Icet, Stream, Silvey, Lampe and Kelly  
**SS SCS HCS HB 2002:** Representatives Icet, Stream, Silvey, Lampe and Bringer  
**SS SCS HCS HB 2003:** Representatives Icet, Stream, Silvey, Lampe and Kelly  
**SCS HCS HB 2004:** Representatives Icet, Stream, Silvey, Lampe and Komo  
**SCS HCS HB 2005:** Representatives Icet, Stream, Silvey, Lampe and Bringer  
**SCS HCS HB 2006:** Representatives Icet, Stream, Silvey, Harris and Bringer  
**SCS HCS HB 2007:** Representatives Icet, Stream, Silvey, Komo and Bringer  
**SCS HCS HB 2008:** Representatives Icet, Stream, Silvey, Lampe and Harris  
**SCS HCS HB 2009:** Representatives Icet, Stream, Silvey, Harris and Bringer  
**SCS HCS HB 2010:** Representatives Icet, Stream, Silvey, Curls and Bringer  
**SCS HCS HB 2011:** Representatives Icet, Stream, Silvey, Curls and Bringer  
**SCS HCS HB 2012:** Representatives Icet, Stream, Silvey, Kelly and Bringer  
**SCS HCS HB 2013:** Representatives Icet, Stream, Silvey, Lampe and Kelly



**THIRD READING OF HOUSE BILL**

**HCS HB 1966**, relating to elections and certain voters, was taken up by Representative Diehl.

On motion of Representative Diehl, **HCS HB 1966** was read the third time and passed by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberger	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Icet	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 070

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Curls	Jones 89	Loehner	Nasheed
Schad				

VACANCIES: 001

Speaker Richard declared the bill passed.

### THIRD READING OF HOUSE JOINT RESOLUTION

**HCS HJR 64**, relating to elections, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HJR 64** was read the third time and passed by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

Dougherty	Loehner	Schad	Scharnhorst	Vogt
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VACANCIES: 001

Speaker Richard declared the bill passed.

## PERFECTION OF HOUSE BILLS

**HCS HB 1473, with House Amendment No. 1, pending**, relating to Access Missouri Scholarships, was again taken up by Representative Thomson.

Representative Thomson offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1473, Page 2, Section 173.1104, Line 36, by inserting immediately after all of said line the following:

“173.1105. 1. [Beginning with the 2007-08 academic year,] An applicant who is an undergraduate postsecondary student at an approved private or public institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) **For academic years 2010-2011, 2011-2012, 2012-2013, and 2013-2014:**

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

[(2)] (b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College; and

[(3)] (c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions.

(2) **For the 2014-2015 academic year and subsequent years:**

(a) **One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and**

(b) **Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College, or approved private institutions.**

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's [reimbursement pursuant to section 160.545, RSMo] **payment from the A+ schools program or any successor program to it**. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the [passage] **effective date** of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.”; and

Further amend said bill and page, Section B, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“section 173.1104 of Section A of this act with the school calendar and state fiscal year, section 173.1104 of Section A of this act is deemed”; and

Further amend said bill and page, Section B, Line 4, by inserting immediately after the word “and” the following:

“section 173.1104 of ”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kingery offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Amendment No. 1  
to  
House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for House Bill No. 1473, Page 2, Line 16 of said amendment, by deleting all of said line and inserting in lieu thereof the following:

“necessary to cover the increase in award amount is passed by the general assembly.

173.1108. [Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 173.1101 to 173.1107 shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 173.1101 to 173.1107 shall automatically sunset twelve years after the effective date of the reauthorization of sections 173.1101 to 173.1107; and

(3) Sections 173.1101 to 173.1107 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 173.1101 to 173.1107 is sunset] **Section 23.253 of the Missouri sunset act shall not apply to the provisions of sections 173.1101 to 173.1107.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Pratt assumed the Chair.

On motion of Representative Kingery, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 102

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Conway	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair

Largent	Leara	Liese	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sander	Scavuzzo	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 054

Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Curls	Fallert	Fischer 107
Frame	Harris	Hodges	Holsman	Hoskins 80
Hughes	Jones 63	Kander	Kelly	Lampe
LeBlanc	LeVota	Low	McClanahan	McDonald
McNeil	Meadows	Morris	Nasheed	Newman
Norr	Oxford	Pace	Pollock	Roorda
Sater	Schieffer	Schoemehl	Schupp	Skaggs
Still	Storch	Swinger	Talboy	Todd
Wallace	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper	Cox	Meiners	Salva	Spreng
Vogt				

VACANCIES: 001

Representative Still offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Amendment No. 2*  
*to*  
*House Substitute Amendment No. 1*  
*for*  
*House Amendment No. 1*

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for House Bill No. 1473, Page 1, Line 7, by deleting all of said line and inserting in lieu thereof the following:

**“(1) For academic years 2010-2011 and 2011-2012:”;** and

Further amend said substitute amendment, Page 1, Line 15, by deleting all of said line and inserting in lieu thereof the following:

**“(2) For the 2012-2013 academic year and subsequent years:”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Still moved that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Biermann	Bringer	Brown 50	Burnett	Calloway
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Curls	Englund	Fallert	Fischer 107	Frame
Harris	Hodges	Hoskins 80	Hughes	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Morris
Nasheed	Newman	Norr	Oxford	Pace
Roorda	Rucker	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

NOES: 092

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Carter	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Hummel	Iceet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Talboy	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 011

Cooper	Cox	Dougherty	Holsman	Kraus
LeVota	Meiners	Salva	Schaaf	Spreng
Vogt				

VACANCIES: 001

On motion of Representative Thomson, **House Substitute Amendment No. 1 for House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Casey
Colona	Conway	Corcoran	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	Meadows	Molendorp	Munzlinger
Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 020

Burnett	Carter	Chappelle-Nadal	Davis	Ervin
Harris	Hughes	Jones 63	LeVota	McNeil
Morris	Newman	Oxford	Pace	Pollock
Sander	Skaggs	Wallace	Webb	Whitehead

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper	Cox	Dougherty	Meiners	Nasheed
Salva	Schaaf	Spreng	Vogt	

VACANCIES: 001

On motion of Representative Thomson, **HCS HB 1473, as amended**, was adopted.

On motion of Representative Thomson, **HCS HB 1473, as amended**, was ordered perfected and printed.

**HCS HB 1584**, relating to manufactured homes, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HCS HB 1584** was adopted.

On motion of Representative Jones (117), **HCS HB 1584** was ordered perfected and printed.

**HB 1636**, relating to special event vehicle auctions, was taken up by Representative Wasson.

Representative Whitehead offered **House Amendment No. 1**.

Representative Largent raised a point of order that **House Amendment No. 1** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Wasson, **HB 1636** was ordered perfected and printed.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 1316** - Fiscal Review (Fiscal Note)  
**HCS HB 1786** - Fiscal Review (Fiscal Note)  
**HB 2363** - Ways and Means  
**HB 2449** - International Trade and Immigration

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 753** - Financial Institutions  
**SB 804** - Healthcare Transformation  
**SCS SBs 812, 752 & 909** - Transportation  
**SCS SB 834** - Insurance Policy  
**SCS SBs 841, 657 & 751** - Transportation  
**SB 894** - Special Standing Committee on Health Insurance  
**SB 940** - Veterans  
**SB 971** - Health Care Policy

#### **COMMITTEE REPORTS**

**Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SCR 54**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE CONCURRENT RESOLUTION NO. 54

WHEREAS, revenues in Missouri continue to fall well below estimates prepared by the state, forcing the governor to cut funds already appropriated by the legislature in order to balance the budget; and

WHEREAS, at the same time revenues have declined, state government has grown over the years, producing unnecessary programs and inefficient allocations of funds; and

WHEREAS, the Missouri General Assembly through careful planning must identify inefficient and unnecessary areas of government spending in order to ensure the state's resources are being put to a use that most benefits the citizens of this state:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Reducing the Size of State Government; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:

1. Examining each department, and agency within each department, to determine programs or bureaucracies within such department that should be eliminated or reduced; and
2. Developing recommendations, strategies and plans for:
  - (1) Reducing the size of state government;
  - (2) Identifying inefficient and unnecessary uses of state funds;
  - (3) Addressing budget shortfalls; and
  - (4) Other areas that the Committee determines are vital to reducing the size of state government; and
3. Reporting its recommendations to the House Budget Committee and the Senate Appropriations Committee by Dec. 31, 2010; and
4. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of the members of the current House Budget Committee and the members of the current Senate Appropriations Committee and shall be co-chaired by the House Budget Committee Chair, or his or her designee, and the Senate Appropriations Chair, or his or her designee. The Commissioner of Administration and the State Budget Director, or their designees, shall serve as ex officio members of the Committee; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fifth General Assembly through December 31, 2010; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

**Committee on Corrections and Public Institutions**, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 2082**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **SCS SB 774**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **HB 2408**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 733**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Higher Education, to which was referred **SB 987**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Emerging Issues in Animal Agriculture**, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was returned **HCS HB 2225**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1205**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1238**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1383**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1451** begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 1521 & 1302**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1833**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2016**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2059**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2156**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2373**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2388**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCR 36**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 588**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 733**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 754**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 984**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 987**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1677**, entitled:

An act to repeal section 9.010, RSMo, and to enact in lieu thereof two new sections relating to public holidays, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 714**, entitled:

An act to repeal sections 56.809, 70.605, 104.190, 104.480, 169.020, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof nineteen new sections relating to retirement.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 734**, entitled:

An act to amend chapters 160 and 162, RSMo, by adding thereto four new sections relating to elementary and secondary education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 816**, entitled:

An act to repeal section 143.811, RSMo, and to enact in lieu thereof one new section relating to interest on overpayments of taxes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 943**, entitled:

An act to repeal sections 163.031, 163.036, 168.500, and 168.515, RSMo, and to enact in lieu thereof five new sections relating to state funding for elementary and secondary education, with an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

## COMMUNICATION

April 20, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

I am hereby filing a written report, pursuant to section 105.461, RSMo. I am currently in the business of healthcare as a business analyst at CoxHealth.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention in this matter.

Sincerely,

/s/ Eric Burlison  
Representative - District 136

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, April 21, 2010.

## CORRECTION TO THE HOUSE JOURNAL

### AFFIDAVIT

I, State Representative Doug Ervin, District 35, hereby state and affirm that my vote as recorded on Page 998 of the Journal of the House for Monday, April 19, 2010, by which House Joint Resolution No. 78 was read the third time and passed as absent with leave was incorrectly recorded. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 20th day of April 2010.

/s/ Doug Ervin  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 20th day of April in the year 2010.

/s/ Leticia J. Long  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, April 22, 2010, 8:30 a.m. Hearing Room 6.  
Possible Executive session.

### **BUDGET**

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 3.  
Executive session may follow. CANCELLED  
Public hearing to be held on: SS SB 757, HCS SCR 54

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Thursday, April 22, 2010, 8:30 a.m. Senate Lounge.  
Executive session may follow.  
Public hearings to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Monday, April 26, 2010, 9:00 a.m. Senate Lounge.  
Executive session may follow.  
Public hearings to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Thursday, April 22, 2010, 9:00 a.m. Side Gallery.  
Executive session only.

### **CRIME PREVENTION**

Wednesday, April 21, 2010, Hearing Room 5 upon morning recess.  
Executive session may follow. AMENDED  
Public hearing to be held on: HB 2386, HB 2420, HB 1613

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, April 21, 2010, 9:30 a.m. Hearing Room 6.  
Executive session will be held.

### **FISCAL REVIEW**

Wednesday, April 21, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

FISCAL REVIEW

Thursday, April 22, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

INSURANCE POLICY

Wednesday, April 21, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SCS SB 583

JUDICIARY

Wednesday, April 21, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 1907, SB 833, SB 893

LOCAL GOVERNMENT

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 7.

Executive session only.

LOCAL GOVERNMENT

Thursday, April 22, 2010, 8:00 a.m. Hearing Room 7.

Executive session only.

RETIREMENT

Thursday, April 22, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1583

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 21, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 1234

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, April 22, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SCS SBs 991 & 645

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 21, 2010, 12:00 p.m. Hearing Room 4.

Public hearing to be held on: HB 2132

WAYS AND MEANS

Thursday, April 22, 2010, 8:30 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 2176, SCS SB 808, SB 981

**HOUSE CALENDAR**

FIFTY-SIXTH DAY, WEDNESDAY, APRIL 21, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson
- 3 HJR 62 - McGhee

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2016 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2245 - Bivins
- 10 HCS HB 1400 - Cox
- 11 HCS HB 2058 - Diehl
- 12 HCS HB 2201 - Cox
- 13 HB 2250 - Curls
- 14 HB 2252 - Faith
- 15 HCS HB 1238 - Davis
- 16 HCS HB 1383 - Nolte
- 17 HCS HB 1451 - Lipke
- 18 HCS HB 1521 & 1302 - Nance
- 19 HCS HB 1833 - Munzlinger
- 20 HCS HB 2156 - Molendorp
- 21 HCS HB 2388 - Wasson

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance



**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 70, (4-1-10, Page 843) - Cunningham

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1994 - Zerr
- 2 HCS HB 1316, (Fiscal Review 4-20-10) - Deeken
- 3 HB 1444 - Jones (89)

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE BILLS FOR SECOND READING**

- 1 SS SB 714
- 2 SS SCS SB 734
- 3 SB 816
- 4 SS SB 943

**SENATE BILLS FOR THIRD READING - CONSENT**

(4/19/2010)

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 SB 773 - Smith (14)
- 5 HCS SB 851 - Parson
- 6 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 SS SCS SB 588 - Parson
- 2 HCS SCS SB 733, E.C. - Kingery
- 3 HCS SCS SB 754 - Wasson
- 4 SS SB 984 - Zerr
- 5 HCS SB 987 - Hobbs

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HB 1677, E.C. - Hoskins (80)

**BILLS IN CONFERENCE**

- 1 SCS HCS HB 2001 - Icet
- 2 SS SCS HCS HB 2002 - Icet
- 3 SS SCS HCS HB 2003 - Icet
- 4 SCS HCS HB 2004 - Icet
- 5 SCS HCS HB 2005 - Icet
- 6 SCS HCS HB 2006 - Icet
- 7 SCS HCS HB 2007 - Icet
- 8 SCS HCS HB 2008 - Icet
- 9 SCS HCS HB 2009 - Icet
- 10 SCS HCS HB 2010 - Icet
- 11 SCS HCS HB 2011 - Icet
- 12 SCS HCS HB 2012 - Icet
- 13 SCS HCS HB 2013 - Icet

**SENATE CONCURRENT RESOLUTIONS**

HCS SCR 36, (4-13-10, Page 943) - Icet

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HB 2116 - Still

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-SIXTH DAY, WEDNESDAY, APRIL 21, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Rabbi Yosef Landa, Regional Director, Chabad of Greater St. Louis

Almighty God, Master of the Universe:

The members of this august body, the Missouri House of Representatives, convene here from across the Great State of Missouri to do the people's business in good faith and with selfless dedication. In so doing, they fulfill a fundamental precept, which, according to sacred Biblical tradition, You first issued to Adam at the time of his creation and to Noah after the Great Flood - the commandment to govern by just laws.

At mankind's beginning and again at Mount Sinai, You issued forth seven universal commandments for all humanity to heed, which came to be known as the "Seven Noahide Laws". The last of those precepts is that every society legislate for itself a system of law, order and social justice, based on the recognition and acknowledgment of You, Almighty God, as the Sovereign ruler of all men and of all nations.

We, the citizens of this blessed country, the United States of America, proudly proclaim this recognition and affirm our commitment to justice in our Pledge of Allegiance, when we describe our union as "one nation under God with liberty and justice for all."

Grant us, Almighty God, that those assembled here to enact laws to govern this blessed State of Missouri be cognizant of Your presence and conduct their deliberations accordingly. Allow them to debate their differences vigorously, but to remember foremost that to legislate for the common good of the people is not only a civic privilege, but also a divinely mandated responsibility.

Be it Your will, O God, that the dedicated men and women of the Missouri legislature be blessed with good health, wisdom, compassion, good cheer and good fellowship. May they contemplate and bear in mind as they engage in the enactment of just and benevolent law and public policy that in doing so they are fulfilling Your Godly will. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Rylee Lorts, Ben Hudson, Kylie Eicholz, Ethan Doskey, Dylan Williams, Joshua Mixon, Kate Walsworth, Addison Rose Doyle, Ava Marie Doyle, Regan Bruns, Dani Myers, Paige Myers, Gabrielle Bickerton, Sam Seiler and David Greek.

The Journal of the fifty-fifth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2398 through House Resolution No. 2493

## SECOND READING OF SENATE BILLS

**SS SB 714, SS SCS SB 734, SB 816 and SS SB 943** were read the second time.

## PERFECTION OF HOUSE BILL

**HCS HB 2058**, relating to liens against residential property, was taken up by Representative Diehl.

Representative Diehl offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2058, Pages 3 and 4, Section 429.016, Lines 70 to 94, by deleting all of said lines and inserting in lieu thereof the following:

"11. (1) The owner of residential real property upon which a claimant is to perform or provide work, labor, or materials, or such owner's designated agent, shall provide any claimant with the name of the current record property owner and the deed (which deed shall include the legal description of the subject property) by which such owner of record obtained the subject property, within five calendar days after the owner, or its designated agent, receives a written request for the same from any claimant. The claimant may further request a copy of a survey of the subject property, a copy of the subdivision or other plat of the subject property, or such other information, document, or instrument, as may allow the claimant to identify the subject property with reasonable certainty, but the owner or its agent shall not be required to provide the same.

(2) If any owner, or its designated agent, fails to comply with the requirements of this section, the requesting claimant shall be entitled to receive, as its sole and exclusive remedy for failure to comply with this section, the claimant's actual and reasonable costs (excluding attorney fees) to obtain a legal description of the subject property necessary for the claimant to record its notice of rights. The costs described in this section shall be lienable expenses.

(3) Nothing herein, including, without limitation, the claimant receiving a legal description with an error, omission, or inaccuracy in the content or the owner or its designated agent's failure to otherwise comply with this section, shall relieve any claimant of its obligation to record a notice of rights in full compliance with this section in order to retain its mechanic's lien rights as to any residential real property."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Diehl, **House Amendment No. 1** was adopted by the following vote:

AYES: 141

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook

Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Wallace	Walsh
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 014

Atkins	Bringer	Burnett	Hughes	Kuessner
Low	Oxford	Roorda	Schupp	Skaggs
Still	Walton Gray	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Cox	Holsman	Scharnhorst	Storch
Viebrock	Webber			

VACANCIES: 001

On motion of Representative Diehl, **HCS HB 2058, as amended**, was adopted.

On motion of Representative Diehl, **HCS HB 2058, as amended**, was ordered perfected and printed.

Speaker Pro Tem Pratt assumed the Chair.

### PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 62**, relating to religious freedom in public places, was taken up by Representative McGhee.

On motion of Representative McGhee, **HJR 62** was ordered perfected and printed by the following vote:

## 1033 *Journal of the House*

AYES: 134

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Conway	Cooper	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kingery	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 023

Burnett	Chappelle-Nadal	Colona	Curls	Dougherty
Hoskins 80	Hughes	Kelly	Kirkton	LeVota
Low	McNeil	Newman	Oxford	Schupp
Skaggs	Still	Talboy	Vogt	Walton Gray
Webb	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 005

Corcoran	Cox	Franz	Rucker	Storch
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VACANCIES: 001

Representative Nieves assumed the Chair.

### PERFECTION OF HOUSE BILL

**HB 2252**, relating to a pregnancy resource center tax credit, was taken up by Representative Faith.

Speaker Pro Tem Pratt resumed the Chair.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Calloway	Carter	Casey	Chappelle-Nadal	Conway
Corcoran	Dougherty	Englund	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Morris	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 014

Burnett	Colona	Cox	Curls	Fallert
Hughes	Meiners	Nolte	Salva	Scharnhorst
Spreng	Storch	Vogt	Mr Speaker	

VACANCIES: 001

On motion of Representative Faith, **HB 2252** was ordered perfected and printed.

### REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

**HJR 62** - Fiscal Review (Fiscal Note)

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 2252** - Fiscal Review (Fiscal Note)

**HB 1847** - Insurance Policy

### COMMITTEE REPORTS

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1911**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Financial Institutions**, Chairman Cunningham reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 2152**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 2381**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 2400**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCR 33**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCS SB 630**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SB 771**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCS SB 777**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1316** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1786** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SB 920**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **SB 739**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HCR 77**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 77

Relating to the filing of a Missouri legal challenge to the constitutionality of federal health care legislation.

WHEREAS, attorneys general from 13 states - Florida, South Dakota, South Carolina, Nebraska, Louisiana, Texas, Alabama, Utah, Colorado, Pennsylvania, Washington, Idaho, and Michigan - sued the federal government on March 23, 2010, claiming the landmark health care overhaul bill is unconstitutional; and

WHEREAS, a 14th state, Virginia, did not join the larger lawsuit, but has filed its own lawsuit challenging the federal legislation; and

WHEREAS, the lawsuit filed by 13 attorneys general includes and asserts:

- (1) A Commerce Clause claim;
- (2) A Tenth Amendment sovereignty violation for forcing states, among other things, to expand Medicaid coverage;
- (3) A direct tax violation for the one-size-fits all penalty if a person fails to purchase health insurance; and

(4) A violation of Article 4, Section 4 of the United States Constitution because "the Act deprives [the States] of ... their right to a republican form of government"; and

WHEREAS, Virginia and Idaho have passed legislation aimed at blocking the legislation's insurance requirement from taking effect; and

WHEREAS, under the federal legislation, beginning in 2014, most Americans will be required to carry health insurance, either through an employer or government program or by purchasing it themselves. Those Americans who refuse to carry such health insurance will face penalties from the Internal Revenue Service; and

WHEREAS, the lawsuit asks the bill be declared unconstitutional because "the Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying health care coverage"; and

WHEREAS, the lawsuit also claims the health care legislation violates the Tenth Amendment of the United States Constitution, which says the federal government has no authority beyond the powers granted to it under the Constitution, by forcing the states to carry out its provisions but not reimbursing them for the costs; and

WHEREAS, the lawsuit also asserts that the states cannot afford the new law because the health care legislation will add millions of people to state Medicaid rolls, costing some states more than one billion dollars over the next ten years in increased Medicaid expenditures; and

WHEREAS, according to an attorney representing the 13 attorneys general joining in the lawsuit, those state attorneys general "are convinced that the federal health care legislation is fundamentally flawed as a matter of constitutional law, that it exceeds the scope of proper constitutional authority of the federal government and tramples upon the rights and prerogatives of states and their citizens"; and

WHEREAS, according to the National Conference of State Legislatures, at least 36 states are attempting to limit, alter, or oppose some of the federal legislation's provisions through state constitutional amendments or laws, with many of the proposals seeking to keep health insurance coverage optional for individuals and exempt employers from penalties if they don't offer coverage for workers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby call on Missouri Attorney General Chris Koster to file an independent lawsuit or join the 13 other state attorneys general from across the nation in challenging the constitutionality and validity of the Patient Protection and Affordable Care Act, the federal health care legislation; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1445**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HB 1562**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SS SB 928**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1662**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2198**, entitled:

An act to repeal sections 407.810, 407.815, 407.817, 407.822, 407.825, 407.828, and 407.835, RSMo, and to enact in lieu thereof thirteen new sections relating to motor vehicle franchise practices.

In which the concurrence of the House is respectfully requested.

## ADJOURNMENT

On motion of Representative Self, the House adjourned until 10:00 a.m., Thursday, April 22, 2010.

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, April 22, 2010, 8:30 a.m. Hearing Room 6.

Possible Executive session.

### CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, April 22, 2010, 8:30 a.m. Senate Lounge.

Executive session may follow.

Public hearing to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

### CONFERENCE COMMITTEE - APPROPRIATIONS

Monday, April 26, 2010, 9:00 a.m. Senate Lounge.

Executive session may follow.

Public hearings to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

### CORRECTIONS AND PUBLIC INSTITUTIONS

Thursday, April 22, 2010, 9:00 a.m. Side Gallery.

Executive session only.

**FISCAL REVIEW**

Thursday, April 22, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

**HEALTHCARE TRANSFORMATION**

Tuesday, April 27, 2010, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SB 804

**LOCAL GOVERNMENT**

Thursday, April 22, 2010, 8:00 a.m. Hearing Room 7.

Executive session only.

**RETIREMENT**

Thursday, April 22, 2010, House Chamber south gallery upon morning adjournment.

Executive session will be held on: HB 1583

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, April 22, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SCS SBs 991 & 645

**WAYS AND MEANS**

Thursday, April 22, 2010, 8:30 a.m. Hearing Room 3.

Possible Executive session.

Public hearing to be held on: HB 2176, SCS SB 808, SB 981

**HOUSE CALENDAR**

FIFTY-SEVENTH DAY, THURSDAY, APRIL 22, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HCS HJRs 45, 69 & 70 - Kingery

2 HCS HJR 63 - Parson

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2016 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2245 - Bivins
- 10 HCS HB 1400 - Cox
- 11 HCS HB 2201 - Cox
- 12 HB 2250 - Curls
- 13 HCS HB 1238 - Davis
- 14 HCS HB 1383 - Nolte
- 15 HCS HB 1451 - Lipke
- 16 HCS HBs 1521 & 1302 - Nance
- 17 HCS HB 1833 - Munzlinger
- 18 HCS HB 2156 - Molendorp
- 19 HCS HB 2388 - Wasson

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 70, (4-1-10, Page 843) - Cunningham

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HJR 62, (Fiscal Review 4-21-10) - McGhee

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1994 - Zerr
- 2 HCS HB 1316 - Deeken
- 3 HB 1444 - Jones (89)
- 4 HCS HB 1786 - Jones (89)
- 5 HCS HB 1473, E.C. - Thomson
- 6 HCS HB 1584 - Jones (117)
- 7 HB 1636 - Wasson
- 8 HCS HB 2058 - Diehl
- 9 HB 2252, (Fiscal Review 4-21-10) - Faith

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE BILLS FOR THIRD READING - CONSENT**

(4/19/2010)

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 SB 773 - Smith (14)
- 5 HCS SB 851 - Parson
- 6 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 SS SCS SB 588 - Parson
- 2 HCS SCS SB 733, E.C. - Kingery
- 3 HCS SCS SB 754 - Wasson
- 4 SS SB 984 - Zerr
- 5 HCS SB 987 - Hobbs

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 SS SCS HCS HB 2198 - Parson

**BILLS IN CONFERENCE**

- 1 SCS HCS HB 2001 - Icet
- 2 SS SCS HCS HB 2002 - Icet
- 3 SS SCS HCS HB 2003 - Icet
- 4 SCS HCS HB 2004 - Icet
- 5 SCS HCS HB 2005 - Icet
- 6 SCS HCS HB 2006 - Icet
- 7 SCS HCS HB 2007 - Icet
- 8 SCS HCS HB 2008 - Icet
- 9 SCS HCS HB 2009 - Icet
- 10 SCS HCS HB 2010 - Icet
- 11 SCS HCS HB 2011 - Icet
- 12 SCS HCS HB 2012 - Icet
- 13 SCS HCS HB 2013 - Icet

**SENATE CONCURRENT RESOLUTIONS**

HCS SCR 36, (4-13-10, Page 943) - Icet

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HB 2116 - Still

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-SEVENTH DAY, THURSDAY, APRIL 22, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

*(Today is Earth Day)*

"The Lord's are the earth and its fullness, the world and those who dwell in it" (*Psalms 24:1*).

Almighty God, we bow before You as Lord of the Earth and its fullness. We pray for ourselves and all the people, that we grow to a healthy respect for the Earth and its resources. May Your Holy Spirit guide us and people everywhere to use the resources of the earth in ways that make it fruitful for all the people. May your Holy Spirit guide us to preserve the resources of the Earth that they might be there to provide for the needs of future generations.

Almighty God, accompany us in all our work of this day. Give us reprieve and leisure that we might enjoy, on this Earth Day, the beauty of Your creation.

To You, Creator and Lord, be glory and honor forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Matthew Grimaldi, Sheridan Mottet, Christopher Busch, Shannon Barry, Claire Fisher, Andrea Stewart, Ross Thompson, Grace Geiger, Delaney Northington, Sally Meiners and MaryKate Grimaldi.

## SPECIAL RECOGNITION

Singers from the Refuge of Grace Girls School and Agape Boys Boarding School, Stockton, Missouri, were introduced by Representative Stevenson and performed "The Star Spangled Banner."

The Journal of the fifty-sixth day was approved as printed.

## HOUSE RESOLUTION

Representative Deeken offered House Resolution No. 2529.



## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2494 through House Resolution No. 2528

House Resolution No. 2530 through House Resolution No. 2537

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 62** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 2252** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## THIRD READING OF HOUSE BILLS

**HCS HB 1994**, relating to excursion gambling boats, was placed on the Informal Calendar.

Representative Franz assumed the Chair.

**HCS HB 1316**, relating to property tax assessment notices, was taken up by Representative Deeken.

On motion of Representative Deeken, **HCS HB 1316** was read the third time and passed by the following vote:

AYES: 147

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Casey	Chappelle-Nadal
Colona	Conway	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach

Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Allen	Calloway	Carter	Cooper	Corcoran
Dixon	Dougherty	Fischer 107	Funderburk	Jones 63
Low	McClanahan	Skaggs	Storch	Tilley

VACANCIES: 001

Representative Franz declared the bill passed.

**HB 1444**, relating to required notice of public meetings, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **HB 1444** was read the third time and passed by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Parkinson	Parson	Pollock	Pratt	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Still	Stream	Sutherland
Talboy	Thomson	Tracy	Viebrock	Vogt
Wallace	Walsh	Wasson	Webb	Webber

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Wells	Weter	Whitehead	Wilson 119	Wilson 130
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 017

Bringer	Burnett	Harris	Hodges	Hughes
Kirkton	Kuessner	LeBlanc	McClanahan	Newman
Pace	Quinn	Shively	Swinger	Todd
Walton Gray	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Carter	Corcoran	Dixon	Fischer 107
Jones 63	Low	Skaggs	Storch	Tilley

VACANCIES: 001

Representative Franz declared the bill passed.

**HCS HB 1786**, relating to a tax credit to attract events, was taken up by Representative Jones (89).

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Frame	Grill	Harris	Hodges

Holsman	Hoskins 80	Hughes	Hummel	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Spreng	Still	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway	Fischer 107	Jones 63	Skaggs	Storch
Tilley				

VACANCIES: 001

On motion of Representative Jones (89), **HCS HB 1786** was read the third time and passed by the following vote:

AYES: 098

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Calloway	Carter	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Dieckhaus	Diehl	Dixon	Dusenberg	Englund
Faith	Fallert	Fisher 125	Flanigan	Frame
Franz	Funderburk	Gatschenberger	Grill	Hobbs
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Kelly	Kingery
Kirkton	Komo	Kratky	Lair	Leara
LeBlanc	Liese	Lipke	Loehner	McDonald
McGhee	McNeil	Meiners	Morris	Munzlinger
Nasheed	Newman	Nieves	Pace	Parkinson
Parson	Pratt	Riddle	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Self
Silvey	Smith 14	Still	Stream	Sutherland
Talboy	Thomson	Viebrock	Vogt	Walsh
Walton Gray	Webb	Whitehead	Wilson 130	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 059

Atkins	Bringer	Burlison	Burnett	Casey
Chappelle-Nadal	Conway	Davis	Denison	Dethrow
Dougherty	Dugger	Emery	Ervin	Flook
Grisamore	Guernsey	Guest	Harris	Hodges
Hughes	Keeney	Koenig	Kraus	Kuessner
Lampe	Largent	LeVota	Low	McClanahan
McNary	Meadows	Molendorp	Nance	Nolte
Norr	Oxford	Pollock	Quinn	Roorda
Rucker	Sater	Schaaf	Schoeller	Shively

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Smith 150	Spreng	Stevenson	Swinger	Todd
Tracy	Wallace	Wasson	Webber	Wells
Weter	Wilson 119	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 005

Fischer 107	Jones 63	Skaggs	Storch	Tilley
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VACANCIES: 001

Representative Franz declared the bill passed.

**HCS HB 1473**, relating to Access Missouri Scholarships, was taken up by Representative Thomson.

On motion of Representative Thomson, **HCS HB 1473** was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Faith	Fallert	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	LeBlanc	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sater
Scavuzzo	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Todd	Tracy	Viebrock	Vogt
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 010

Burnett	Davis	Ervin	Hughes	LeVota
Morris	Pollock	Sander	Wallace	Whitehead

PRESENT: 000

ABSENT WITH LEAVE: 007

Fischer 107	Jones 63	Leara	Scharnhorst	Skaggs
Storch	Tilley			

VACANCIES: 001

Representative Franz declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Faith	Fallert	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Still	Stream
Swinger	Talboy	Thomson	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 008

Burnett	Davis	Ervin	Morris	Pollock
Sander	Spreng	Whitehead		

PRESENT: 000

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ABSENT WITH LEAVE: 011

Fischer 107	Hughes	Jones 63	Munzlinger	Salva
Schad	Skaggs	Stevenson	Storch	Sutherland
Tilley				

VACANCIES: 001

**HCS HB 1584**, relating to manufactured homes, was taken up by Representative Jones (117).

Representative Leara assumed the Chair.

On motion of Representative Jones (117), **HCS HB 1584** was read the third time and passed by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 003

Burnett	Davis	Molendorp
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PRESENT: 000

ABSENT WITH LEAVE: 008

Denison	Fischer 107	Jones 63	Roorda	Skaggs
Storch	Tilley	Todd		

VACANCIES: 001

Representative Leara declared the bill passed.

**HB 1636**, relating to special event vehicle auctions, was taken up by Representative Wasson.

On motion of Representative Wasson, **HB 1636** was read the third time and passed by the following vote:

AYES: 131

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Still
Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Tracy	Viebrock	Vogt	Wallace
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Yaeger	Zerr
Mr Speaker				

NOES: 021

Atkins	Bringer	Burnett	Casey	Dougherty
Harris	Hughes	Kander	Kirkton	LeVota
Low	McNeil	Morris	Newman	Oxford
Pace	Quinn	Walsh	Walton Gray	Webb
Zimmerman				

PRESENT: 000



ABSENT WITH LEAVE: 010

Corcoran	Fischer 107	Jones 63	Roorda	Salva
Shively	Skaggs	Storch	Tilley	Wright

VACANCIES: 001

Representative Leara declared the bill passed.

## HOUSE BILLS WITH SENATE AMENDMENTS

**SS SCS HCS HB 2198**, relating to motor vehicle franchise practices, was taken up by Representative Parson.

Representative Bringer raised a point of order that pursuant to Rule 6, **SS SCS HCS HB 2198** is not in order.

Representative Leara requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Parson, **SS SCS HCS HB 2198** was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Englund	Faith	Fallert	Fisher 125	Flanigan
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruzicka	Salva	Sander	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Silvey	Smith 14
Smith 150	Spreng	Still	Stream	Sutherland
Swinger	Talboy	Thomson	Todd	Tracy
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 012

Ayres	Burnett	Davis	Dethrow	Emery
Ervin	Flook	Harris	Hughes	Koenig
Schaaf	Stevenson			

PRESENT: 000

ABSENT WITH LEAVE: 012

Bruns	Cooper	Fischer 107	Hobbs	Jones 63
Ruestman	Sater	Shively	Skaggs	Storch
Tilley	Wallace			

VACANCIES: 001

On motion of Representative Parson, **SS SCS HCS HB 2198** was truly agreed to and finally passed by the following vote:

AYES: 136

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Curls
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Englund
Faith	Fallert	Fisher 125	Flanigan	Frame
Franz	Funderburk	Gatschenberger	Grill	Guernsey
Guest	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Silvey	Smith 14	Smith 150	Spreng
Still	Stream	Sutherland	Swinger	Talboy
Thomson	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 011

Ayres	Burnett	Davis	Dethrow	Emery
Ervin	Flook	Harris	Koenig	Schaaf
Stevenson				

PRESENT: 000

ABSENT WITH LEAVE: 015

Bruns	Cooper	Cunningham	Fischer 107	Grisamore
Hobbs	Hughes	Jones 63	McDonald	Sater
Shively	Skaggs	Storch	Tilley	Wasson

VACANCIES: 001

Representative Leara declared the bill passed.

### THIRD READING OF HOUSE BILL

**HCS HB 2058**, relating to liens against residential property, was taken up by Representative Diehl.

On motion of Representative Diehl, **HCS HB 2058** was read the third time and passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Lochner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 007

Bringer	Burnett	Oxford	Pollock	Scharnhorst
Schupp	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Cooper	Curls	Dougherty	Fischer 107
Grisamore	Hobbs	Hughes	Jones 63	Sater
Skaggs	Storch	Tilley	Wasson	

VACANCIES: 001

Representative Leara declared the bill passed.

**HB 2252**, relating to pregnancy resource center tax credit, was taken up by Representative Faith.

On motion of Representative Faith, **HB 2252** was read the third time and passed by the following vote:

AYES: 114

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Casey	Conway	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kratky	Kraus	Lair	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McGhee
McNary	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Stream	Sutherland	Swinger	Thomson	Todd
Tracy	Viebrock	Vogt	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 039

Atkins	Aull	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Curls	Dougherty	Englund
Frame	Holsman	Hoskins 80	Hughes	Kander
Kelly	Kirkton	Komo	Kuessner	Lampe
LeBlanc	LeVota	Low	McDonald	McNeil
Morris	Newman	Norr	Oxford	Pace
Schupp	Still	Talboy	Wallace	Walton Gray
Webb	Webber	Whitehead	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper	Fischer 107	Grisamore	Jones 63	Roorda
Sater	Skaggs	Storch	Tilley	

VACANCIES: 001

Representative Leara declared the bill passed.

Speaker Pro Tem Pratt assumed the Chair.

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 2529** - Rules

### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 2337** - Special Standing Committee on Governmental Accountability and Ethics Reform

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SB 616** - Special Standing Committee on Professional Registration and Licensing

**SCS SB 685** - Insurance Policy

**SB 985** - Insurance Policy

### **COMMITTEE REPORTS**

**Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SS SCS SB 580**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 791**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 897**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SS SCS SB 605**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SCS SBs 842, 799 & 809**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1336**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout Day.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Bill No. 1336, Page 1, Section 9.167, Lines 1-2, by striking said lines and inserting in lieu thereof the following:

**"9.167. The twelfth day of March of each year shall be known as "Girl Scout Day", and the general assembly recommends to the people of the state that the".**

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1691**, entitled:

An act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state holidays.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND House Bill No. 1691, Page 1, Section A, Line 2, by inserting after all of said line the following:

**"9.157. The fourteenth of September of each year shall be known as "Organ Donor Awareness Day", and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of organ donation.**

**9.158. The sixteenth of November of each year shall be known as "Adenoid Cystic Carcinoma Awareness Day", and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of adenoid cystic cancer. Adenoid cystic carcinoma (AdCC) is a rare cancer that usually occurs in areas of the head and neck, but can develop in other parts of the body as well. Adenoid cystic carcinoma is usually slow-growing, but the growth can be relentless." and**

Further amend said bill and page, Section 9.164, Lines 1-2, by striking said lines and inserting in lieu thereof the following:

**"9.164. 1. The month of October of each year shall be known as "Walk & Bike to School Month" and the first Wednesday of October of each year shall be known as"; and**

Further amend said bill and page, Section 9.165, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

**"9.165. The month of May of each year shall be known as "Missouri Bicycle Month", the third Friday of May of each year shall be known as "Bike to Work Day"."; and**

Further amend Line 8, by inserting after all of said line the following:

**"9.167. The twelfth day of March of each year shall be known as "Girl Scout Day", and the general assembly recommends to the people of the state that the day be appropriately observed in recognition of the Girl Scout program which seeks to promote the social welfare of young women, build self-esteem, and teach values such as honesty, fairness, courage, compassion, character, sisterhood, confidence, and citizenship through activities including camping, community service, learning first aid, and earning badges by acquiring practical skills.**

**9.168. The first of December of each year shall be known as "World AIDS Day", and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of HIV and AIDS.**

**9.169. The second week of May of each year shall be known as "Sickle Cell Awareness Week" and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of sickle cell disease and its related symptoms.**

**9.170. The fourteenth of February of each year shall be known as "Epilepsy Awareness Day", and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of epilepsy and its related symptoms.**

**9.172. The first week of November of each year shall be known as "RSV Awareness Week", and the general assembly recommends to the people of this state that the week be appropriately observed so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as programs to raise awareness about the causes of, symptoms of, and ways of preventing respiratory syncytial virus (RSV)."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND House Bill No. 1691, Page 1, Section Title, Line 2, by striking the word "bicycling state" and inserting in lieu thereof the following: "public".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 793**, entitled:

An act to repeal sections 188.027, 188.039, and 376.805, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1022**, entitled:

An act to repeal sections 383.130 and 383.133, RSMo, and to enact in lieu thereof three new sections relating to requirements of entities employing certain licensed health care professionals.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SJR 44**, entitled:

#### **JOINT RESOLUTION**

Submitting to the qualified voters of Missouri, an amendment repealing sections 12 and 52 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of education.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Fischer (107).

#### **ADJOURNMENT**

On motion of Representative Self, the House adjourned until 4:00 p.m., Monday, April 26, 2010.

#### **COMMITTEE MEETINGS**

##### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Monday, April 26, 2010, 9:00 a.m. Senate Lounge.

Executive session may follow.

Public hearings to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

##### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 27, 2010, 8:30 a.m. Senate Lounge.

Executive session may follow. AMENDED

Public hearings to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

##### **ELECTIONS**

Tuesday, April 27, 2010, 8:30 a.m. Hearing Room 5.

Executive session.



FISCAL REVIEW

Tuesday, April 27, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Wednesday, April 28, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, April 29, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTHCARE TRANSFORMATION

Tuesday, April 27, 2010, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SB 804

JOINT COMMITTEE ON EDUCATION

Wednesday, April 28, 2010, 9:00 a.m. Hearing Room 6.

Election of officers. Discussion of other issues.

PUBLIC SAFETY

Tuesday, April 27, 2010, 12:00 p.m. Hearing Room 6.

Executive session only.

RULES - PURSUANT TO RULE 25(32)(f)

Monday, April 26, 2010, Hearing Room 1 upon afternoon adjournment.

Any bills referred to Committee.

Possible Executive session.

Public hearing to be held on: SCR 33, HCS SCR 54, HCS SS#2 SCS SB 577, HCS SS SCS SBs 586 & 617, SCS SB 630, SCS SB 636, SCS SB 644, SB 771, HCS SCS SB 774, HCS SB 795, SS SB 928, HB 1647, HB 1661, HB 1911, HCS HB 2042, HCS HB 2102, HCS#2 HB 2225

VETERANS

Tuesday, April 27, 2010, 9:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HCR 79, SB 940

**VETERANS**

Tuesday, April 27, 2010, Hearing Room 3 12:00 p.m. or upon morning recess whichever is later.  
Informational committee meeting. Economic impact Whiteman Air Force Base has on State of Missouri.

**WAYS AND MEANS**

Tuesday, April 27, 2010, 9:00 a.m. House Chamber north gallery.  
Executive session. AMENDED  
Public hearing to be held on: HB 2363

**HOUSE CALENDAR**

FIFTY-EIGHTH DAY, MONDAY, APRIL 26, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2016 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2245 - Bivins
- 10 HCS HB 1400 - Cox
- 11 HCS HB 2201 - Cox
- 12 HB 2250 - Curls
- 13 HCS HB 1238 - Davis
- 14 HCS HB 1383 - Nolte
- 15 HCS HB 1451 - Lipke

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- 16 HCS HBs 1521 & 1302 - Nance
- 17 HCS HB 1833 - Munzlinger
- 18 HCS HB 2156 - Molendorp
- 19 HCS HB 2388 - Wasson

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 70, (4-1-10, Page 843) - Cunningham

#### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HJR 62 - McGhee

#### **HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

#### **HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

#### **SENATE JOINT RESOLUTIONS FOR SECOND READING**

SS SJR 44

#### **SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 793
- 2 SB 1022

#### **SENATE BILLS FOR THIRD READING - CONSENT**

(4/19/2010)

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 SB 773 - Smith (14)
- 5 HCS SB 851 - Parson
- 6 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 SS SCS SB 588 - Parson
- 2 HCS SCS SB 733, E.C. - Kingery
- 3 HCS SCS SB 754 - Wasson
- 4 SS SB 984 - Zerr
- 5 HCS SB 987 - Hobbs

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus

**BILLS IN CONFERENCE**

- 1 SCS HCS HB 2001 - Icet
- 2 SS SCS HCS HB 2002 - Icet
- 3 SS SCS HCS HB 2003 - Icet
- 4 SCS HCS HB 2004 - Icet
- 5 SCS HCS HB 2005 - Icet
- 6 SCS HCS HB 2006 - Icet
- 7 SCS HCS HB 2007 - Icet
- 8 SCS HCS HB 2008 - Icet
- 9 SCS HCS HB 2009 - Icet
- 10 SCS HCS HB 2010 - Icet
- 11 SCS HCS HB 2011 - Icet
- 12 SCS HCS HB 2012 - Icet
- 13 SCS HCS HB 2013 - Icet

**SENATE CONCURRENT RESOLUTIONS**

HCS SCR 36, (4-13-10, Page 943) - Icet

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HB 2116 - Still

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-EIGHTH DAY, MONDAY, APRIL 26, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

You alone are the LORD. You made Heaven, the highest Heaven, with all its hosts. You made the Earth and everything on it, the seas and everything in them. You give life to them all and the hosts of Heaven worship You.

Lord God, forgive us for the hostility and struggles that exist among us; that arise from conflicting passions within ourselves. Help us to subdue the cravings, jealousy and envy that ultimately lead to frustration and striving with one another. May our daily discussions be less about us, individually, and more about what is good for this state.

Help us to find Your divine timing, today, so we can produce the greatest results at the most opportune time. We don't want to miss our hour of opportunity. We want to be in the middle of Your will. Help us to be wise in our dealings throughout the remainder of this Session.

Now may You, Lord God our Father, who loved us and by Your grace gave us eternal comfort and a wonderful hope, comfort us and strengthen us in every good thing we do and say.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Claire Fisher, Andrea Stewart, Ross Thompson, Grace Geiger, Rachael Kearns, Brandon Kearns, Avery Wilson and Hunter Wilson.

The Journal of the fifty-seventh day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2538 through House Resolution No. 2632

## SECOND READING OF SENATE JOINT RESOLUTION

SS SJR 44 was read the second time.

## SECOND READING OF SENATE BILLS

SS SCS SB 793 and SB 1022 were read the second time.

**THIRD READING OF SENATE BILL**

**SS SB 984**, relating to excursion gambling boats, was taken up by Representative Zerr.

On motion of Representative Zerr, **SS SB 984** was truly agreed to and finally passed by the following vote:

AYES: 131

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Cox	Cunningham	Curls
Day	Deeken	Denison	Dieckhaus	Dixon
Dougherty	Dusenberg	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Frame	Franz
Funderburk	Gatschenberger	Grill	Guest	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Shively	Silvey	Smith 14	Smith 150	Spreng
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 023

Bringer	Burnett	Davis	Dethrow	Dugger
Emery	Ervin	Flook	Grisamore	Guernsey
Harris	Hughes	Kraus	Lipke	Nance
Pollock	Pratt	Schoeller	Skaggs	Stevenson
Still	Tracy	Wells		

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Carter	Cooper	Diehl	Hobbs
Leara	Sander	Self		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### THIRD READING OF HOUSE JOINT RESOLUTION

**HJR 62**, relating to religious freedom in public places, was taken up by Representative McGhee.

On motion of Representative McGhee, **HJR 62** was read the third time and passed by the following vote:

AYES: 125

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Burlison
Casey	Conway	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McDonald	McGhee	McNary	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 030

Atkins	Burnett	Carter	Chappelle-Nadal	Colona
Curls	Dougherty	Hoskins 80	Hughes	Kelly
Kirkton	LeBlanc	LeVota	Low	McNeil
Morris	Nasheed	Newman	Oxford	Pace
Schupp	Skaggs	Still	Talboy	Vogt
Walton Gray	Webb	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Bruns	Calloway	Cooper	Hobbs
McClanahan	Self			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCR 70**, relating to MoDOT Credit Unions, was taken up by Representative Cunningham.

On motion of Representative Cunningham, **HCR 70** was read the third time and passed by the following vote:

AYES: 157

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 50	Calloway	Cooper	Self	Vogt
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VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.



## PERFECTION OF HOUSE BILL - APPROPRIATIONS

**HCS HB 2016**, relating to appropriations, was taken up by Representative Icet.

Representative Kelly offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2016, Page 4, Section 16.055, Line 10, by deleting “498,181,521” and inserting “529,181,521”.

On motion of Representative Kelly, **House Amendment No. 1** was adopted.

Representative Franz offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2016, Page 4, Section 16.052, by deleting the section in its entirety.

Representative Franz moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 038

Ayres	Burlison	Dethrow	Dieckhaus	Diehl
Dusenberg	Emery	Ervin	Fisher 125	Flook
Franz	Funderburk	Grisamore	Jones 89	Keeney
Koenig	Kraus	Lair	Leara	Nieves
Nolte	Parkinson	Parson	Pratt	Ruestman
Sater	Schlottach	Schoeller	Smith 150	Stevenson
Thomson	Tracy	Viebrock	Wallace	Weter
Wilson 119	Wilson 130	Mr Speaker		

NOES: 119

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dixon	Dougherty	Dugger	Englund	Faith
Fallert	Fischer 107	Flanigan	Frame	Gatschenberger
Grill	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 117	Kander
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Norr	Oxford	Pace
Pollock	Quinn	Riddle	Roorda	Rucker

Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Spreng
Still	Storch	Stream	Swinger	Talboy
Tilley	Todd	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Whitehead	Witte
Wright	Yaeger	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 005

Calloway	Cooper	Self	Sutherland	Vogt
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VACANCIES: 001

On motion of Representative Icet, **HCS HB 2016, as amended**, was adopted.

On motion of Representative Icet, **HCS HB 2016, as amended**, was ordered perfected and printed.

Representative Nieves assumed the Chair.

### PERFECTION OF HOUSE BILL

**HCS HB 2156**, relating to regulation of bail bond agents, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HCS HB 2156** was adopted.

On motion of Representative Molendorp, **HCS HB 2156** was ordered perfected and printed.

### COMMITTEE REPORTS

**Committee on Agriculture Policy**, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SB 848**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Corrections and Public Institutions**, Chairman McGhee reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **SCS SB 778**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Retirement**, Chairman Viebrock reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 1583**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 1610**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1647**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1661**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1911**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2042**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2102**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2152**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 2225**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 33**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCR 54**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS#2 SCS SB 577**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SBs 586 & 617**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 630**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 644**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 771**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 774**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SBs 842, 799 & 809**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 928**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 51** - Transportation

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SCS SB 774** - Fiscal Review (Fiscal Note)

**HCS SCS SBs 842, 799 & 809** - Fiscal Review (Fiscal Note)

**SS SB 928** - Fiscal Review (Fiscal Note)

**SCS SB 815** - Elementary and Secondary Education

**SB 816** - Tax Reform

**SS SB 943** - Elementary and Secondary Education

#### **LETTER OF OBJECTION**

April 26, 2010

D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
Room 306C, Capitol Building  
Jefferson City, MO 65101

Dear Mr. Clerk:

We, the undersigned members of the House of Representatives hereby object to the placement of **Senate Bill No. 773** on the Senate Bills for Third Reading - Consent Calendar.

Respectfully,

/s/ Jerry Nolte - District 33  
/s/ John Diehl - District 87  
/s/ Steven Tilley - District 106  
/s/ Steve Hobbs - District 21  
/s/ Sue Allen - District 92  
/s/ Tishaura O. Jones - District 63  
/s/ Steve Webb - District 74

### **SENATE CONSENT BILLS**

Pursuant to Rule 45(f), the following bills have remained on the Senate Bills for Third Reading Consent Calendar for five legislative days without any objection, and all committee substitutes and committee amendments thereto adopted by consent: **SB 649, SB 758, SCS SB 772, HCS SB 851 and HCS SCS SB 942.**

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, April 27, 2010.

### **COMMITTEE MEETINGS**

#### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 27, 2010, 8:30 a.m. Senate Lounge.

Executive session may follow. AMENDED

Public hearings to be held on: SCS HCS HB 2001, SS SCS HCS HB 2002, SS SCS HCS HB 2003, SCS HCS HB 2004, SCS HCS HB 2005, SCS HCS HB 2006, SCS HCS HB 2007, SCS HCS HB 2008, SCS HCS HB 2009, SCS HCS HB 2010, SCS HCS HB 2011, SCS HCS HB 2012, SCS HCS HB 2013

#### **ELECTIONS**

Tuesday, April 27, 2010, 8:30 a.m. Hearing Room 5.

Executive session.

#### **FISCAL REVIEW**

Tuesday, April 27, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

#### **FISCAL REVIEW**

Wednesday, April 28, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### FISCAL REVIEW

Thursday, April 29, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

#### HEALTH CARE POLICY

Wednesday, April 28, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 2051, SB 971

#### HEALTHCARE TRANSFORMATION

Tuesday, April 27, 2010, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SB 804

#### INSURANCE POLICY

Wednesday, April 28, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SCS SB 685, SCS SB 834, SB 985

#### INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, April 28, 2010, Hearing Room 7, 5:00 p.m. or upon afternoon adjournment

Executive session may follow.

Public hearing to be held on: HCR 74, HB 2449

#### JOINT COMMITTEE ON EDUCATION

Wednesday, April 28, 2010, 9:00 a.m. Hearing Room 6.

Election of officers.

Discussion of other issues.

#### PUBLIC SAFETY

Tuesday, April 27, 2010, 12:00 p.m. Hearing Room 6.

Executive session only.

#### SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 28, 2010, 8:00 a.m. Hearing Room 1.

Continuation of hearing on HB 1234.

Executive session may follow.

#### SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, April 27, 2010, South gallery upon morning recess.

Executive session only.

#### SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, April 27, 2010, 12:00 p.m. Hearing Room 5.

Executive session.

Public hearing to be held on: SB 894

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 28, 2010, 12:00 p.m. Hearing Room 4.

Executive session on SCS SB 616

Public hearing to be held on: SCS SB 616

TRANSPORTATION

Tuesday, April 27, 2010,

Hearing Room 7, 12:00 p.m. or upon morning recess, whichever is later.

Executive session may follow.

Public hearing to be held on: HB 2253, SCS SBs 812, 752 & 909, SCS SBs 841, 657 & 751

TRANSPORTATION

Thursday, April 29, 2010, 8:45 a.m. Hearing Room 7.

Executive session.

UTILITIES

Tuesday, April 27, 2010,

Hearing Room 1, 12:00 p.m. or upon morning recess, whichever is later.

Executive session to be held.

VETERANS

Tuesday, April 27, 2010, 9:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HCR 79, SB 940

VETERANS

Tuesday, April 27, 2010,

Hearing Room 3, 12:00 p.m. or upon morning recess, whichever is later.

Informational committee meeting.

Economic impact Whiteman Air Force Base has on State of Missouri.

WAYS AND MEANS

Tuesday, April 27, 2010, 9:00 a.m. House Chamber north gallery.

Executive session. AMENDED

Public hearing to be held on: HB 2363

## **HOUSE CALENDAR**

FIFTY-NINTH DAY, TUESDAY, APRIL 27, 2010

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 45, 69 & 70 - Kingery
- 2 HCS HJR 63 - Parson

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2245 - Bivins
- 10 HCS HB 1400 - Cox
- 11 HCS HB 2201 - Cox
- 12 HB 2250 - Curls
- 13 HCS HB 1238 - Davis
- 14 HCS HB 1383 - Nolte
- 15 HCS HB 1451 - Lipke
- 16 HCS HBs 1521 & 1302 - Nance
- 17 HCS HB 1833 - Munzlinger
- 18 HCS HB 2388 - Wasson
- 19 HB 1647 - Cooper
- 20 HB 1911 - Schad
- 21 HCS HB 2042 - Brown (30)
- 22 HCS HB 2102 - Munzlinger
- 23 HCS HB 2152 - Hobbs
- 24 HCS#2 HB 2225 - Loehner

### **HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance



**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

HCS HB 2016 - Icet

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 HCS SB 851 - Parson
- 5 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 SS SCS SB 588 - Parson
- 2 HCS SCS SB 733, E.C. - Kingery
- 3 HCS SCS SB 754 - Wasson
- 4 HCS SB 987 - Hobbs
- 5 SB 773 - Smith (14)
- 6 SS SB 578 - Flook
- 7 HCS SS SCS SBs 586 & 617 - Emery
- 8 SCS SB 630 - Jones (117)
- 9 SCS SB 644 - Conway
- 10 SB 771 - Wilson (119)
- 11 HCS SCS SB 774, (Fiscal Review 4-26-10) - Riddle
- 12 HCS SCS SBs 842, 799 & 809, (Fiscal Review 4-26-10) - Stream
- 13 SS SB 928, (Fiscal Review 4-26-10), E.C. - Sutherland

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus

**BILLS IN CONFERENCE**

- 1 SCS HCS HB 2001 - Icet
- 2 SS SCS HCS HB 2002 - Icet
- 3 SS SCS HCS HB 2003 - Icet
- 4 SCS HCS HB 2004 - Icet
- 5 SCS HCS HB 2005 - Icet
- 6 SCS HCS HB 2006 - Icet
- 7 SCS HCS HB 2007 - Icet
- 8 SCS HCS HB 2008 - Icet
- 9 SCS HCS HB 2009 - Icet
- 10 SCS HCS HB 2010 - Icet
- 11 SCS HCS HB 2011 - Icet
- 12 SCS HCS HB 2012 - Icet
- 13 SCS HCS HB 2013 - Icet

**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HB 2116 - Still

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-NINTH DAY, TUESDAY, APRIL 27, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, Lord of creation, all that You have made is good. And You have concern for the well-being of every person.

We pray for the ability to include all the people in our vision and to consider the well-being of all the people at once, that through our work we may advance the common good.

We pray for the knowledge to comprehend all the issues on the agendas placed before us. When there are competing values, give us the wisdom to sort them out and place them in proper priority.

When choices must be made, give us the courage to give first priority to the demands of the common good.

To You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Viri Lopez, Brendan McBride, Corey Ankelmann, Madelyn Adams, Ashleigh Duncan, Laura Empson, Hannah Beggs, Jacob Bane, Racheal Hawthorne, Austin Cobb, Amy Underwood, Anna Luce, Nick Parrott, Amber Powers and Stephen Wilson.

The Journal of the fifty-eighth day was approved as printed.

## MOTION

Representative Tilley moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 118

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Colona	Conway
Cox	Cunningham	Davis	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dugger
Emery	Englund	Ervin	Faith	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk

## 1079 *Journal of the House*

Gatschenberger	Grill	Guest	Harris	Hobbs
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Norr	Pace	Parkinson	Parson	Pratt
Quinn	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Wallace	Walton Gray	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 044

Brown 50	Calloway	Carter	Casey	Chappelle-Nadal
Cooper	Corcoran	Curls	Dethrow	Dougherty
Dusenberg	Fallert	Frame	Grisamore	Guernsey
Hodges	Holsman	Hughes	Kander	Komo
LeVota	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Newman	Nolte
Oxford	Pollock	Roorda	Rucker	Schaaf
Self	Talboy	Viebrock	Vogt	Walsh
Webb	Webber	Whitehead	Zerr	

VACANCIES: 001

### **SPECIAL RECOGNITION**

The Central Missouri Honor Flight WWII Veterans were introduced by Speaker Richard and honored by the House and the Senate for their services and sacrifices.

Representatives for the Organ Donor Awareness Month and Missouri Kidney Day were introduced by Representative Walton Gray.

The Harrisburg High School Lady Bulldogs Basketball Team was introduced by Representative Quinn and recognized for attaining the 2009-2010 Class 2 State Championship.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2633 through House Resolution No. 2710

**PERFECTION OF HOUSE BILLS**

**HCS HB 1400**, relating to the Business Premises Safety Act, was taken up by Representative Cox.

Speaker Pro Tem Pratt assumed the Chair.

Representative Kelly offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1400, Page 1, Section 537.785, Line 7, by inserting before the semicolon “;” the following:

“**. The term ‘business’ shall not include commercial residential operations such as, but not limited to, hotels, motels, and apartment complexes.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly, **House Amendment No. 1** was adopted.

Representative Roorda offered **House Amendment No. 2**.

Representative Stevenson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Cox, **HCS HB 1400, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 1400, as amended**, was ordered perfected and printed.

**HCS HB 2201**, relating to residential mortgage professionals, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HB 2201** was adopted.

On motion of Representative Cox, **HCS HB 2201** was ordered perfected and printed.

**HCS HBs 1521 & 1302**, relating to Amber Alert and Lifeline Alert System, was taken up by Representative Nance.

Representative Nance offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1521 & 1302, Page 1, in the Title, Line 3, by deleting the word “**Lifeline**” and inserting in lieu thereof the word “**Silver**”; and

Further amend said bill, Page 2, Section 210.1012, Line 2, by deleting the word “**Lifeline**” and inserting in lieu thereof the word “**Silver**”; and

Further amend said bill, Page 3, Lines 30, 33, and 38, and Section 210.1014, Lines 2, 4, and 7, by deleting the word “**Lifeline**” and inserting in lieu thereof the word “**Silver**”; and

Further amend said bill, Page 4, Line 26, by deleting the word “**Lifeline**” and inserting in lieu thereof the word “**Silver**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nance, **House Amendment No. 1** was adopted.

Representative LeVota offered **House Amendment No. 2**.

Representative Stevenson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Nance, **HCS HBs 1521 & 1302, as amended**, was adopted.

On motion of Representative Nance, **HCS HBs 1521 & 1302, as amended**, was ordered perfected and printed.

**THIRD READING OF SENATE BILL**

**SS SCS SB 588**, relating to property tax assessment notices, was taken up by Representative Parson.

On motion of Representative Parson, **SS SCS SB 588** was truly agreed to and finally passed by the following vote:

AYES: 155

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet

Jones 63	Jones 89	Jones 117	Kander	Keeney
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Day	Kelly	Salva	Self
Spreng				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

## **PERFECTION OF HOUSE BILL**

**HB 2245**, relating to school funding, was taken up by Representative Bivins.

Representative Wallace offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Bill No. 2245, Page 2, Section 163.031, Line 33, by deleting all of said line and inserting in lieu thereof the following:

“(d) **Except as provided in subdivisions (13) and (14) of this subsection**, for each year subsequent to the 2008-09 school year, the amount shall be no less than”; and

Further amend said bill and section, Page 3, Line 59, by deleting all of said line and inserting in lieu thereof the following:

“(d) **Except as provided in subdivisions (13) and (14) of this subsection**, for each year subsequent to the 2008-09 school year, the amount shall be no less than”; and

Further amend said bill, page, and section, Line 72, by deleting the word “**six**” and inserting in lieu thereof the following: “**nine**”; and

Further amend said section, Page 4, Line 93, by deleting the words “**and the 2010-11 school year**”; and

Further amend said section and page, Lines 99 to 111, by deleting all of said lines and inserting in lieu thereof the following:

“(5) For the 2010-11 school year, the amount of state aid shall be [seventy-two] **fifty-eight** percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus [twenty-eight] **forty-two** percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be [eighty-six] **fifty-eight** percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus [fourteen] **forty-two** percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) **For the 2012-13 school year, the amount of state aid shall be sixty percent of the amount of state aid calculated for the district for the 2012-13 school year under the provisions of subsection 1 of this section plus forty percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.**

(8) **For the 2013-14 school year, the amount of state aid shall be seventy percent of the amount of state aid calculated for the district for the 2013-14 school year under the provisions of subsection 1 of this section plus thirty percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.**

(9) **For the 2014-15 school year, the amount of state aid shall be eighty percent of the amount of state aid calculated for the district for the 2014-15 school year under the provisions of subsection 1 of this section plus twenty percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.**

(10) **For the 2015-16 school year, the amount of state aid shall be ninety percent of the amount of state aid calculated for the district for the 2015-16 school year under the provisions of subsection 1 of this section plus ten percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.**

(11) **For the 2016-17 school year and subsequent years, the amount of state aid shall be as calculated under subsection 1 of this section.**

(12) **The provisions of this subsection shall not prohibit the General Assembly from appropriating more funds than required to fund the applicable percentages provided for in any school year under this subsection. In such an instance, the department of elementary and secondary education shall adjust such phase-in percentages in order to accommodate the total amount of available appropriations so that such percentages equal one hundred percent and the total amount of the appropriated funds is distributed.**

(13) **For any school year governed by this subsection, if the foundation formula appropriation under subsections 1, 2, and 4 of this section is equal to or greater than the fiscal year 2010 foundation formula expenditure under subsections 1, 2, and 4 of this section and the previous fiscal year’s foundation formula expenditures under subsections 1, 2, and 4 of this section but is insufficient to fully fund the applicable percentages provided for in any school year under this subsection or the current year appropriation is reduced by the governor as provided in Section 27 of Article IV of the Missouri Constitution and as a result of said reduction the reduced appropriation is insufficient to fully fund the applicable percentages provided for in any school year under this subsection, the department of elementary and secondary education shall reduce the payment amounts awarded to all districts, including those districts that qualify under subsection 2 of this section. The department of elementary and secondary education shall calculate a uniform proportional reduction percentage based on all available foundation formula state aid for the given school year to be applied to the**



payment amount to which all districts would otherwise be entitled under the applicable phase-in percentage for the applicable school year as provided in this subsection.

(14) In any school year governed by this subsection in which the foundation formula appropriation under subsections 1, 2, and 4 of this section is less than the fiscal year 2010 foundation formula expenditure under subsections 1, 2, and 4 of this section; less than the previous fiscal year's foundation formula expenditure under subsections 1, 2, and 4 of this section; or reduced from the current year appropriation by the governor as provided in Section 27 of Article IV of the Missouri Constitution and as a result of said reduction the reduced appropriation is less than the foundation formula fiscal year 2010 expenditure or less than the previous fiscal year's foundation formula expenditure, the department of elementary and secondary education shall reduce the payment amounts awarded to all districts, including those districts that qualify under subsection 2 of this section. The department shall calculate a uniform proportional reduction percentage based on all available foundation formula state aid for the given school year to be applied to the payment amount to which all districts would otherwise be entitled under the applicable phase-in percentage for the applicable school year as provided in this subsection.

(15) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target"; and

Further amend said bill, section, and page, Line 114, by placing an opening bracket "[" immediately after "(b)"; and

Further amend said bill and section, Page 5, Line 139, by placing a closing bracket "]" immediately after "(c)"; and

Further amend said bill, Page 6, Section B, Line 5, by inserting immediately after the word "approval" the following:

"or July 1, 2010, whichever occurs later."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HB 2245, with House Amendment No. 1, pending,** was laid over.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

## **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Pratt.

## **PERFECTION OF HOUSE BILL**

**HB 2245, with House Amendment No. 1, pending,** relating to school funding, was again taken up by Representative Bivins.

On motion of Representative Wallace, **House Amendment No. 1** was adopted by the following vote:

AYES: 082

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 149	Bruns
Burlison	Chappelle-Nadal	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dougherty	Dugger	Emery	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook

Franz	Funderburk	Gatschenberger	Guernsey	Guest
Hobbs	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Parkinson	Parson	Pollock	Riddle	Ruestman
Ruzicka	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Smith 14	Smith 150	Stream
Thomson	Viebrock	Wallace	Wasson	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 072

Bringer	Brown 50	Burnett	Calloway	Carter
Casey	Colona	Conway	Dieckhaus	Dixon
Dusenberg	Englund	Fischer 107	Frame	Grill
Grisamore	Harris	Hodges	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Kratky	Kraus	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Morris	Nasheed	Newman
Norr	Oxford	Pace	Pratt	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Shively	Silvey
Skaggs	Spreng	Stevenson	Still	Storch
Sutherland	Swinger	Talboy	Todd	Tracy
Walsh	Walton Gray	Webb	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Cooper	Curls	Holsman	Meiners	Nolte
Self	Tilley	Vogt		

VACANCIES: 001

## Representative Bivins offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Bill No. 2245, Page 6, Section 163.031, Line 183, by inserting after all of said line the following:

**“Section 1. For school districts that levy separate tax rates on each subclass of real property and personal property in the aggregate, if voters approve a ballot prior to August 28, 2010 that presents separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, then the tax rate that shall be used for the single rate calculation under subsection 2 of section 137.073 shall be a blended rate, which shall be calculated in the manner described in subdivision (1) of subsection 6 of section 137.073.”; and**

Further amend said bill, Page 6, Section B, Line 5, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to Section 1 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Bivins, **House Amendment No. 2** was adopted.

**HB 2245, as amended**, was laid over.

### THIRD READING OF HOUSE BILL - APPROPRIATIONS

**HCS HB 2016**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 2016** was read the third time and passed by the following vote:

AYES: 129

Atkins	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Kelly	Kingery	Kirkton	Komo
Kratky	Lair	Lampe	Largent	Leara
LeBlanc	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Smith 14	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 025

Brown 30	Burnett	Davis	Dethrow	Dugger
Dusenberg	Emery	Ervin	Flook	Franz
Guernsey	Keeney	Koenig	Kraus	Kuessner
LeVota	Low	Pollock	Pratt	Roorda
Schaaf	Skaggs	Smith 150	Wells	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Bruns	Hodges	Holsman	Self
Talboy	Tilley	Vogt		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### **PERFECTION OF HOUSE JOINT RESOLUTION**

**HCS HJR 63**, relating to initiative petitions, was taken up by Representative Parson.

Representative Cox offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 63, Page 1, Section 50, Line 2, by deleting the words “[eight] **fifteen**” and inserting in lieu thereof the word “eight”; and

Further amend said resolution, page and section, Line 3, by deleting the words “[five] **ten**” and inserting in lieu thereof the word “five”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Emery offered **House Amendment No. 1 to House Amendment No. 1**.

#### *House Amendment No. 1*

*to*

#### *House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 63, Page 1, Lines 2 to 6 of said amendment, by deleting all of said lines and inserting in lieu thereof the following:

‘Line 2 by deleting the word, “**fifteen**” and inserting in lieu thereof the phrase, “**five and one-fourth**”; and

Further amend said section, Page 1, Line 3, by deleting the word “**ten**” and inserting in lieu thereof the phrase “**three and one-fourth**” ‘; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Nieves assumed the Chair.

Representative Emery moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 042

Atkins	Ayres	Brandom	Bringer	Brown 50
Burlison	Casey	Conway	Corcoran	Davis
Dethrow	Dixon	Emery	Fallert	Fischer 107
Flook	Frame	Grisamore	Harris	Holsman
Hoskins 80	Koenig	LeVota	Low	Meadows
Meiners	Nance	Nasheed	Newman	Nieves
Oxford	Pollock	Ruestman	Salva	Sater
Schaaf	Schoeller	Smith 150	Stevenson	Wallace
Wright	Mr Speaker			

NOES: 114

Allen	Aull	Biermann	Bivins	Brown 30
Brown 149	Bruns	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Cox	Cunningham	Curls
Day	Deeken	Denson	Dieckhaus	Diehl
Dougherty	Dugger	Dusenberg	Englund	Ervin
Faith	Fisher 125	Flanigan	Franz	Funderburk
Grill	Guernsey	Guest	Hobbs	Hodges
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Molendorp	Morris
Munzlinger	Nolte	Norr	Pace	Parkinson
Parson	Pratt	Quinn	Riddle	Roorda
Rucker	Ruzicka	Sander	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Spreng
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Todd	Tracy	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper	Gatschenberger	Kuessner	Self	Tilley
Vogt				

VACANCIES: 001

On motion of Representative Cox, **House Amendment No. 1** was adopted.

On motion of Representative Parson, **HCS HJR 63, as amended**, was adopted.

On motion of Representative Parson, **HCS HJR 63, as amended**, was ordered perfected and printed.

## PERFECTION OF HOUSE BILL

**HB 2245, as amended**, relating to school funding, was again taken up by Representative Bivins.

Representative Schad offered **House Amendment No. 3**.

### *House Amendment No. 3*

AMEND House Bill No. 2245, Page 6, Section 163.031, Line 183, by inserting immediately after all of said line the following:

“163.036. 1. In computing the amount of state aid a school district is entitled to receive for the minimum school term only under section 163.031, a school district may use an estimate of the weighted average daily attendance for the current year, or the weighted average daily attendance for the immediately preceding year or the weighted average daily attendance for the second preceding school year, whichever is greater. Beginning with the 2006-07 school year, the summer school attendance included in the average daily attendance as defined in subdivision (2) of section 163.011 shall include only the attendance hours of pupils that attend summer school in the current year. **Beginning with the 2010-2011 school year, the summer school attendance included in average daily attendance shall include only the attendance hours of pupils based exclusively on academic areas of study for credit-bearing courses, remedial courses that are necessary for a student to be promoted to the next grade, or core subject areas of the regular instruction program for the relevant grade levels. In order for summer school attendance to be included in the average daily attendance definition, each school district shall verify to the department of elementary and secondary education that the district's summer school program conforms to this subsection. This subsection shall not be construed to disallow a school district from providing a summer school program that offers nonacademic or enrichment activities at such district's expense.** Beginning with the 2004-05 school year, when a district's official calendar for the current year contributes to a more than ten percent reduction in the average daily attendance for kindergarten compared to the immediately preceding year, the payment attributable to kindergarten shall include only the current year kindergarten average daily attendance. Any error made in the apportionment of state aid because of a difference between the actual weighted average daily attendance and the estimated weighted average daily attendance shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating weighted average daily attendance exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual weighted average daily attendance above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment may elect, after receiving notice from the county clerk on or before March fifteenth that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use in the local effort calculation of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education

shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four-year period following the due date, the county clerk shall give notice to the district and the department of elementary and secondary education, and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

5. If a district receives state aid based on equalized assessed valuation as determined by subsection 4 of this section and if prior to such notice the district was paid state aid pursuant to section 163.031, the amount of state aid paid during the year of such notice and the first year following shall equal the sum of state aid paid pursuant to section 163.031 plus the difference between the state aid amount being paid after such notice minus the amount of state aid the district would have received pursuant to section 163.031 before such notice. To be eligible to receive state aid based on this provision the district must levy during the first year following such notice at least the maximum levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars assessed valuation.

[163.037. In any school year after the 2009-10 school year, if there is a twenty-five percent decrease in the statewide percentage of average daily attendance attributable to summer school compared to the percentage of average daily attendance attributable to summer school in the 2005-06 school year, then for the subsequent school year, weighted average daily attendance, as such term is defined in section 163.011, shall include the addition of the product of twenty-five hundredth times the average daily attendance for summer school.]” and

Further amend said bill, Page 6, Section B, Line 5, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 163.037 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**Representative Loehner offered House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1  
to  
House Amendment No. 3*

AMEND House Amendment No. 3 to House Bill No. 2245, Page 1, Lines 12 to 14, by deleting all of said lines and inserting in lieu thereof the following:

**“exclusively on academic areas of study for credit-bearing courses or remedial courses that are necessary for a student to be promoted to the next grade. In order for summer school attendance to be”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**On motion of Representative Loehner, House Amendment No. 1 to House Amendment No. 3 was adopted by the following vote:**

AYES: 114

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 50	Brown 149	Bruns	Burlison
Casey	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame

Franz	Funderburk	Gatschenberger	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 121	Iceet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McNary	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Shively	Silvey	Smith 14	Smith 150	Stevenson
Storch	Stream	Thomson	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 039

Atkins	Bringer	Brown 30	Burnett	Calloway
Carter	Chappelle-Nadal	Colona	Corcoran	Curls
Dusenberg	Grill	Grisamore	Hoskins 80	Hughes
Hummel	Jones 63	Kratky	Kraus	LeBlanc
LeVota	Low	McDonald	McNeil	Morris
Nasheed	Newman	Oxford	Pace	Roorda
Schupp	Skaggs	Still	Swinger	Talboy
Walton Gray	Webb	Whitehead	Witte	

PRESENT: 000

ABSENT WITH LEAVE: 009

Hobbs	Kuessner	McGhee	Salva	Self
Spreng	Sutherland	Tilley	Vogt	

VACANCIES: 001

Representative Aull offered **House Amendment No. 2 to House Amendment No. 3.**

*House Amendment No. 2*  
to  
*House Amendment No. 3*

AMEND House Amendment No. 3 to House Bill No. 2245, Page 1, Line 19 of said amendment, by inserting immediately after the word “**expense.**” the following:

“**Such summer school average daily attendance reimbursement shall be limited to the total number of hours calculated by multiplying fifteen percent of a district’s January membership for a maximum of six hours a day for twenty days.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Aull, **House Amendment No. 2 to House Amendment No. 3** was adopted.

On motion of Representative Schad, **House Amendment No. 3, as amended**, was adopted.



Representative Kingery offered **House Amendment No. 4.***House Amendment No. 4*

AMEND House Bill No. 2245, Page 6, Section 163.031, Line 183, by inserting immediately after all of said line the following:

"168.500. 1. For the purpose of providing career pay, which shall be a salary supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include classroom teachers, librarians, guidance counselors and certificated teachers who hold positions as school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists, and are on the district salary schedule, there is hereby created and established a career advancement program which shall be known as the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the "career plan or program". Participation by local school districts in the career advancement program established under this section shall be voluntary. The career advancement program is a matching fund program [of variable match rates]. The general assembly [shall] **may** make an annual appropriation to the excellence in education fund established under section 160.268, RSMo, for the purpose of providing the state's portion for the career advancement program. The "Career Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection, the general assembly [shall] **may** appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All interest or other gain received from investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder program for the following year, at which time all such revenues shall be used to fund, in advance, the career ladder program for such following year and the career ladder forwarding funding fund shall thereafter be terminated.

2. The department of elementary and secondary education, at the direction of the commissioner of education, shall study and develop model career plans which shall be made available to the local school districts. These state model career plans shall:

- (1) Contain three steps or stages of career advancement;
- (2) Contain a detailed procedure for the admission of teachers to the career program;
- (3) Contain specific criteria for career step qualifications and attainment. These criteria shall clearly describe the minimum number of professional responsibilities required of the teacher at each stage of the plan and shall include reference to classroom performance evaluations performed pursuant to section 168.128;
- (4) Be consistent with the teacher certification process recommended by the Missouri advisory council of certification for educators and adopted by the department of elementary and secondary education;
- (5) Provide that public school teachers in Missouri shall become eligible to apply for admission to the career plans adopted under sections 168.500 to 168.515 after five years of public school teaching in Missouri. All teachers seeking admission to any career plan shall, as a minimum, meet the requirements necessary to obtain the first renewable professional certificate as provided in section 168.021;
- (6) Provide procedures for appealing decisions made under career plans established under sections 168.500 to 168.515.

3. The commissioner of education shall cause the department of elementary and secondary education to establish guidelines for all career plans established under this section, and criteria that must be met by any school district which seeks funding for its career plan.

4. A participating local school district may have the option of implementing a career plan developed by the department of elementary and secondary education or a local plan which has been developed with advice from teachers employed by the district and which has met with the approval of the department of elementary and secondary education. In approving local career plans, the department of elementary and secondary education may consider provisions in the plan of the local district for recognition of teacher mobility from one district to another within this state.

5. The career plans of local school districts shall not discriminate on the basis of race, sex, religion, national origin, color, creed, or age. Participation in the career plan of a local school district is optional, and any teacher who declines to participate shall not be penalized in any way.

6. In order to receive funds under this section, a school district which is not subject to section 162.920, RSMo, must have a total levy for operating purposes which is in excess of the amount allowed in section 11(b) of article X of

the Missouri Constitution; and a school district which is subject to section 162.920, RSMo, must have a total levy for operating purposes which is equal to or in excess of twenty-five cents on each hundred dollars of assessed valuation.

7. The commissioner of education shall cause the department of elementary and secondary education to regard a speech pathologist who holds both a valid certificate of license to teach and a certificate of clinical competence to have fulfilled the standards required to be placed on stage III of the career program, provided that such speech pathologist has been employed by a public school in Missouri for at least five years and is approved for placement at such stage III by the local school district.

**8. Beginning in fiscal year 2012, the state portion of career ladder payments shall only be made available to local school districts if the general assembly makes an appropriation for such program. Payments authorized under sections 168.500 to 168.515 shall only be made available in a year for which a state appropriation is made. Any state appropriation shall be made prospectively in relation to the year in which work under the program is performed.**

**9. Nothing in this section shall be construed to prohibit a local school district from funding the program for its teachers, for work performed in years for which no state appropriation is made available.**

168.515. 1. Each teacher selected to participate in a career plan established under sections 168.500 to 168.515, who meets the requirements of such plan, [shall] **may** receive a salary supplement, the state's share of which shall be distributed under section 163.031, RSMo, equal to the following amounts applied to the career ladder entitlement of section 163.031, RSMo:

- (1) Career stage I teachers may receive up to an additional one thousand five hundred dollars per school year;
- (2) Career stage II teachers may receive up to an additional three thousand dollars per school year;
- (3) Career stage III teachers may receive up to an additional five thousand dollars per school year. All teachers within each stage within the same school district shall receive equal salary supplements.

2. The state [shall] **may** make payments pursuant to section 163.031, RSMo, to the local school district for the purpose of [reimbursing] **providing funding to** the local school district for the payment of any salary supplements provided for in this section, subject to the availability of funds as appropriated each year and distributed on a [variable match formula which shall] **matching basis where the percentage of state funding shall be forty percent and the percentage of local funding shall be sixty percent.** [be based on assessed valuation of the district for the second preceding school year.

3. In distributing these matching funds, school districts shall be ranked by the assessed valuation for the second preceding school year per weighted average daily attendance from the highest to the lowest and divided into three groups. Group one shall contain the highest twenty-five percent of all public school districts, groups two and three combined shall contain the remaining seventy-five percent of all public school districts. The districts in groups two and three shall be rank-ordered from largest to smallest based on enrollment as of the last Wednesday in September during the second preceding school year, group two shall contain twenty-five percent of all public school districts that are larger on the enrollment-based rank-ordered list and group three shall contain the remaining fifty percent of all public school districts. Pursuant to subsection 4 of this section, districts in group one shall receive forty percent state funding and shall contribute sixty percent local funding, group two shall receive fifty percent state funding and shall contribute fifty percent local funding and group three shall receive sixty percent state funding and shall contribute forty percent local funding.

4. The incremental groups are as follows:

Group	Percentage of Districts	Percentage of State Funding	Percentage of Local Funding
1	25%	40%	60%
2	25%	50%	50%
3	50%	60%	40%

5. Beginning in the 1996-97 school year, any school district in any group which participated in the career ladder program in 1995-96 and paid less than the local funding percentage required by subsection 4 of this section shall increase its local share of career ladder costs by five percentage points from the preceding year until the district pays the percentage share of cost required by subsection 4 of this section, and in no case shall the local funding percentage be increased by a greater amount for any year. For any district, the state payment shall not exceed the local payment times the state percentage share divided by the local percentage share. Except as provided in subsection 10 of this section, any district not participating in the 1995-96 school year or any district which interrupts its career ladder program for any subsequent year shall enter the program on the cost-sharing basis required by subsection 4 of this section.]

[6.] **3.** Not less than every fourth year, beginning with calendar year 1988, the general assembly, through the joint committee established under section 160.254, RSMo, shall review the amount of the career pay provided for in this

section to determine if any increases are necessary to reflect the increases in the cost of living which have occurred since the salary supplements were last reviewed or set.

[7.] **4.** To participate in the salary supplement program established under this section, a school district may submit to the voters of the district a proposition to increase taxes for this purpose. If a school district's current tax rate ceiling is at or above the rate from which an increase would require a two-thirds majority, the school board may submit to the voters of the district a proposition to reduce or eliminate the amount of the levy reduction resulting from section 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the proposition, the board may certify that seventy-five percent of the revenue generated from this source shall be used to implement the salary supplement program established under this section.

[8.] **5.** In no case shall a school district use state funds received under this section nor local revenue generated from a tax established under subsection 7 of this section to comply with the minimum salary requirements for teachers established pursuant to section 163.172, RSMo.

[9. Beginning in the 1996-97 school year, for any teacher who participated in the career program in the 1995-96 school year, continues to participate in the program thereafter, and remains qualified to receive career pay pursuant to section 168.510, the state's share of the teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and the state shall continue to pay such percentage of the teacher's salary supplement until any of the following occurs:

(1) The teacher ceases his or her participation in the program; or  
(2) The teacher suspends his or her participation in the program for any school year after the 1995-96 school year. If the teacher later resumes participation in the program, the state funding shall be subject to the provisions of subsection 4 of this section.

10. Any school district that participated in the career ladder program prior to the 2001-02 school year but ceased its participation at any time from July 1, 2001, to July 1, 2005, may resume participation in the program no later than July 1, 2006, at the same matching level, pursuant to subsections 4 and 5 of this section, for which the district qualified during its last year of participation.]"; and

Further amend said bill, Page 6, Section B, Line 5, by inserting after all of said line the following:

"Section C. The emergency clause contained in Section B of this act shall not apply to sections 168.500 and 168.515 of Section A of this act."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**On motion of Representative Kingery, House Amendment No. 4 was adopted.**

**Representative Aull offered House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Bill No. 2245, Section 163.031, Page 6, Line 183, by inserting after all of said line the following:

"178.697. 1. Funding for sections 178.691 to 178.699 shall be made available pursuant to section 163.031, RSMo, and shall be subject to appropriations made for this purpose.

2. Costs of contractual arrangements shall be the obligation of the school district of residence of each preschool child. Costs of contractual arrangements shall not exceed an amount equal to an amount reimbursable to the school districts under the provisions of sections 178.691 to 178.699. [No program shall be approved or contract entered into which requires any additional payment by participants or their parents or guardians.]

3. Payments for participants for programs outlined in section 178.693 shall be uniform for all districts or public agencies.

**4. Families with children under the age of kindergarten entry shall be eligible to receive annual health and development screenings and parents shall be eligible to receive prenatal visits under sections 178.691 to 178.699. Priority for Parents as Teachers service delivery, which includes but is not limited to home visits, group meetings, screenings and service referrals, delivery shall be given to high needs families in accordance with criteria set forth by the department of elementary and secondary education. Local school districts may establish**

**cost sharing strategies to supplement funding for Parents as Teachers program services. The provisions of this subsection shall expire on December 31, 2015 unless reauthorized by an act of the general assembly.”; and**

Further amend said bill, Section B, Page 6, Line 5, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 178.697 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Nance offered **House Amendment No. 1 to House Amendment No. 5.**

Representative Bivins raised a point of order that **House Amendment No. 1 to House Amendment No. 5** goes beyond the scope of the amendment.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Aull, **House Amendment No. 5** was adopted.

Representative Thomson offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Bill No. 2245, Page 6, Section 163.031, Line 183, by inserting immediately after all of said line the following:

“163.044. 1. **(1)** Beginning with the 2007 fiscal year and each subsequent fiscal year, the general assembly shall appropriate fifteen million dollars to be directed in the following manner to school districts with an average daily attendance **for the regular school year** of three hundred fifty students or less in the school year preceding the payment year:

[1)] **(a)** Ten million dollars shall be distributed to the eligible districts in proportion to their average daily attendance **for the regular school year**; and

[2)] **(b)** Five million dollars shall be directed to the eligible districts that have an operating levy for school purposes in the current year equal to or greater than the performance levy and any school districts which have an operating levy for school purposes in the current year less than the performance levy solely due to a modification of such district's levy required under subdivision (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district's average daily attendance in the school year preceding the payment year. The total appropriation pursuant to this subdivision shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district.

**(2) Beginning with the earlier of the completion of the phase-in under subsection 4 of section 163.031 or the fiscal year after the first fiscal year in which the amount appropriated for subsections 1 and 2 of section 163.031 is sufficient to accommodate the full amount of the annualized calculation required under such subsections after fiscal year 2010, as certified by the commissioner of education in a letter to the house budget chair and senate appropriations chair, and each subsequent fiscal year, the general assembly shall appropriate twenty million dollars to be directed in the following manner to school districts with an average daily attendance for the regular school year of three hundred fifty students or less in the school year preceding the payment year:**

**(a)** Fifteen million dollars shall be distributed to the eligible districts in proportion to their average daily attendance **for the regular school year**; and

(b) Five million dollars shall be directed to the eligible districts that have an operating levy for school purposes in the current year equal to or greater than the performance levy and any school districts which have an operating levy for school purposes in the current year less than the performance levy solely due to a modification of such district's levy required under subdivision (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district's average daily attendance in the school year preceding the payment year. The total appropriation pursuant to this subdivision shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district.

2. Upon the occurrence of the earlier of the two conditions outlined in subdivision (2) of subsection 1 of this section, and each subsequent fiscal year, the general assembly shall appropriate an amount to be directed in the following manner to school districts with an average daily attendance for the regular school year of three hundred fifty-one to and including four hundred forty-nine students in the school year preceding the payment year, so that a school district with an average daily attendance for the regular school year of three hundred fifty-one shall receive ninety-nine percent of the amount per average daily attendance distributed under subdivision (1) of subsection 1 of this section and the percentage factor shall decrease by one per each additional student in average daily attendance as average daily attendance for the regular school year increases to and including four hundred forty-nine.

3. The payment under this section shall not be transferred to the capital projects fund.

[3.] 4. Except as provided in subsection [2] 3 of this section, districts receiving payments under this section may use the moneys for, including but not limited to, the following:

- (1) Distance learning;
- (2) Extraordinary transportation costs;
- (3) Rural teacher recruitment; and
- (4) Student learning opportunities not available within the district.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Thomson, **House Amendment No. 6** was adopted.

On motion of Representative Bivins, **HB 2245, as amended**, was ordered perfected and printed by the following vote:

AYES: 079

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 149	Burlison	Casey
Cooper	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dugger
Emery	Englund	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Keeney	Kingery	Koenig
Lair	Largent	Leara	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Riddle
Ruestman	Ruzicka	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Schoemehl	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tracy	Viebrock	Wallace	Wasson	Wells
Wilson 119	Wilson 130	Wright	Zerr	

NOES: 066

Bringer	Brown 30	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Dixon	Dusenberg	Fischer 107	Frame	Grill
Grisamore	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Morris	Nasheed	Newman	Norr
Oxford	Pace	Pratt	Quinn	Roorda
Rucker	Scavuzzo	Schaaf	Schieffer	Schupp
Shively	Silvey	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 017

Brown 50	Bruns	Cox	Dougherty	Jones 117
Kraus	Kuessner	LeBlanc	Lipke	Meiners
Salva	Self	Spreng	Tilley	Vogt
Weter	Mr Speaker			

VACANCIES: 001

Speaker Pro Tem Pratt resumed the Chair.

## COMMITTEE REPORTS

**Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 741**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 2343**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HCR 79**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 79

WHEREAS, the F/A-18E/F Block II Super Hornet is the Navy's next generation carrier-based strike fighter with advanced air-to-ground and air-to-air operational capabilities, and will be the backbone of the fleet for the next 25 years; and

WHEREAS, the Department of Navy testified to a strike fighter shortfall of over 240 aircraft by 2016, which poses a significant operational risk by diminishing deterrent capabilities and limiting surge capability to respond to a crisis; and

WHEREAS, aging F/A-18A-D aircraft are being used far beyond their original design life limits; and

WHEREAS, any additional delay in F-35C initial operational capability (IOC) will significantly increase the strike fighter shortfall; and

WHEREAS, both FY2010 defense authorization and appropriations bills authorized the Navy to enter into a multi-year procurement (MYP) contract to buy additional F/A-18 E/F Block II Super Hornets to mitigate the TACAIR shortfall; and

WHEREAS, F/A-18A-D Hornets and F/A-18E/F Super Hornets currently fly 30% of all TACAIR sorties and 50% of all CENTCOM Close Air Support missions; and

WHEREAS, 100% of the Super Hornets have been delivered on time and at cost; and

WHEREAS, reliability and low operating costs for the F/A-18E/F have generated 20% in savings versus F/A-18A-D aircraft; and

WHEREAS, current F/A-18E/F Super Hornet Program of Record production line ends in FY2013 without additional aircraft procurement; and

WHEREAS, shutting down the production line results in loss of industrial base and limits the domestic strike fighter market to only a single manufacturer; and

WHEREAS, the F/A-18E/F Super Hornet Program supports 23,426 direct and indirect jobs with 191 companies across the State of Missouri and has an estimated one billion dollars of total economic impact in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby support procurement of the F/A-18E/F Block II Super Hornet under a multi-year contract as a highly capable, low risk, and affordable mitigation to the Navy's TACAIR shortfall; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

**Committee on Ways and Means, Chairman Sutherland reporting:**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 808**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SB 844**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Health Insurance**, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **SS SB 618**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 795**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SB 795** - Fiscal Review (Fiscal Note)

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1270**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1340**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1612**, entitled:

An act to repeal sections 204.300, 204.472, 204.571, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1643**, entitled:

An act to repeal section 193.265, RSMo, and to enact in lieu thereof two new sections relating to recording fees.

With Senate Amendment No. 1 and Senate Amendment No. 2.



*Senate Amendment No. 1*

AMEND House Bill No. 1643, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“59.003. All requests for records filed or recorded by the recorder of deeds under this chapter dated after December 31, 1969, shall be made to the office of the recorder of deeds in which the record was originally recorded.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND House Bill No. 1643, Page 3, Section 193.265, by adding after said section the following:

“429.110. Whenever property is sought to be charged with a lien under sections 429.010 to 429.340, and the owner of the property so sought to be charged shall not be a resident of this state, or shall have no agent in the county in which said property is situate, or when such owner shall be a resident of the state, but conceals himself, or has absconded, or absents himself from his usual place of abode, so that the notice required by section 429.100 cannot be served upon him, then, and in every such case, such notice may be [filed] **recorded** with the recorder of deeds of the county in which such property is situate, and when [filed] **recorded** shall have like effect as if served upon such owner or his agent in the manner contemplated by section 429.100; and a copy of such notice so filed, together with the certificate of such recorder of deeds that the same is a correct copy of the notice so filed, shall be received in all courts of this state as evidence of the service, as herein provided, of such notice; and the recorder of deeds in each county of this state shall receive, file and keep every such notice so presented to him for filing, and shall further record the same at length in a separate book appropriately entitled; and for such service so performed, such recorder shall receive for each notice the sum of twenty-five cents, and for each copy so certified as aforesaid of each of said notices, shall receive the sum of fifty cents, to be paid by the party so filing or procuring such certified copy, as the case may be, and the costs of filing and of one certified copy] . **Such notice shall be accompanied by an applicable fee for recording and shall be taxed as costs in any lien suit to which the same pertains, to abide the result of the suit.”; and**

Further amend the title accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 1806**, entitled:

An act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to county classification, with an emergency clause.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1806, Page 4, Section 48.030, Line 5 of said page, by inserting after all of said line the following:

**"71.275. Notwithstanding any other provision of this chapter to the contrary, if the governing body of any municipality finds it in the public interest that a parcel of land within a research, development, or office park project established under section 172.273, that is contiguous and compact to the existing corporate limits of the municipality and located in an unincorporated area of the county, should be located in the municipality, such municipality may annex such parcel, provided that the municipality obtains written consent of all the property owners located within the unincorporated area of such parcel.**

**79.025. No city of the fourth classification with more than two thousand three hundred but fewer than two thousand four hundred inhabitants and located in any county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants shall annex any territory adjacent to the city if such adjacent territory proposed for annexation does not contain any registered voters unless the city has obtained the written consent of all the owners of real property within such adjacent territory.";** and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1898**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1941**, entitled:

An act to repeal sections 227.303 and 227.409, RSMo, and to enact in lieu thereof eleven new sections relating to memorial highway designations.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 1941, Page 1, Section 227.303, Line 3, by inserting after all of said line the following:

**"227.324. The pedestrian and bicycle lane on the southern-most, down stream U.S. Highway 54 bridge, crossing the Missouri River at Jefferson City, Missouri, in Cole County, shall, upon completion of its construction, be designated as the "Pat Jones Pedestrian/Bicycle Lane". The department of transportation shall erect and maintain appropriate signs designating such pedestrian and bicycle lane, with the costs to be paid for by private donations.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 1941, Page 1, Section 227.303, Line 3, by inserting after all of said line the following:

**"227.313. The portion of Missouri Highway 266 located in Greene County from [North Missouri Road AB] Airport Boulevard to one mile east shall be designated as the "Dr. Martin Luther King Jr. Memorial Mile". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donations.";** and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1942**, entitled:

An act to repeal section 190.309, RSMo, and to enact in lieu thereof one new section relating to emergency telephone board members in certain counties.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Bill No. 1942, Page 1, Section Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "emergency service boards."; and

Further amend said bill, Page 3, Section 190.309, Line 85, by inserting immediately after said line the following:

"190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the [governing body] **board** shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The [governing body] **board** shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the [governing body] **board** shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

190.339. 1. The powers and duties of the emergency services board shall include, but not be limited to:

- (1) Planning a 911 system and dispatching system;
- (2) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems;
- (3) Receiving money from any county sales tax authorized to be levied pursuant to section 190.335 and authorizing disbursements from such moneys collected;
- (4) Hiring any staff necessary for the implementation, upgrade or operation of the system.

**2. The board shall be a body corporate and a political subdivision of the state and shall be known as the "..... Emergency Services Board".**

**3.** The administrative control and management of the moneys from any county sales tax authorized to be levied pursuant to section 190.335 and the administrative control and management of the central dispatching of emergency services shall rest solely with the board, and the board shall employ all necessary personnel, affix their compensation and provide suitable quarters and equipment for the operation of the central dispatching of emergency services from the funds available for this purpose.

[3.] **4.** The board may contract to provide services relating in whole or in part to central dispatching of emergency services and for such purpose may expend the tax funds or other funds.

[4.] **5.** The board shall elect a vice chairman, treasurer, secretary and such other officers as it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount to be determined and in a form to be approved

by the board for the faithful performance of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors.

[5.] 6. The board may accept any gift of property or money for the use and benefit of the central dispatching of emergency services, and the board is authorized to sell or exchange any such property which it believes would be to the benefit of the service so long as the proceeds are used exclusively for central dispatching of emergency services. The board shall have exclusive control of all gifts, property or money it may accept; of all interest of other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county on behalf of the central dispatching of emergency services; and of all other funds granted, appropriated or loaned to it by the federal government, the state or its political subdivisions so long as such resources are used solely to benefit the central dispatching of emergency services.

[6.] 7. Any board member may, following notice and an opportunity to be heard, be removed from any office by a majority vote of the other members of the board for any of the following reasons:

- (1) Failure to attend five consecutive meetings, without good cause;
- (2) Conduct prejudicial to the good order and efficient operation of the central dispatching of emergency services; or
- (3) Neglect of duty.

[7.] 8. The chairperson of the board shall preside at such removal hearing, unless the chairperson is the person sought to be removed, in which case the hearing shall be presided over by another member elected by a majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn in by oath or affirmation before testifying. Any interested party may, at his or her own expense, record the proceedings.

[8.] 9. Vacancies on the board occasioned by removals, resignations or otherwise, shall be filled by the remaining members of the board. The appointee or appointees shall act until the next election at which a director or directors are elected to serve the remainder of the unexpired term.

[9.] 10. Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board.

[10.] 11. No person shall be employed by the board who is related within the fourth degree by blood or by marriage to any member of the board."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1977**, entitled:

An act to repeal sections 190.060, 190.092, 190.133, 190.143, 190.196, 190.528, and 191.630, RSMo, and to enact in lieu thereof seven new sections relating to emergency medical technicians.

With Senate Amendment No. 1 and Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1977, Page 1, Section Title, Line 4, by striking the word "technicians" and inserting in lieu thereof the following: "services"; and

Further amend said bill, Page 5, Section 190.092, Line 36, by inserting after all of said line the following:

"190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001

to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;
- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and
- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination

of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;
- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**8. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting. **The rules shall prescribe the amount of fees to be required for certification and recertification under this section. All certification fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department."; and

Further amend said bill and page, Section 190.133, Line 26, by inserting after all of said line the following:

**"5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;  
(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

**6. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1977, Page 9, Section 191.630, Line 18, by inserting after all of said line the following:

"431.068. 1. [Notwithstanding the provisions of section 431.061, any person seventeen years of age or older may donate blood voluntarily without the necessity of obtaining the permission or authorization of his or her parent or guardian.

2.] Any person **between sixteen and seventeen** years of age may donate blood, if that person obtains written permission or authorization from his or her parent or guardian.

[3.] **2.** No person under the age of eighteen shall receive compensation for any blood donated without the written authorization of his or her parent or guardian.



**3. The department of health and senior services shall develop a parental disclosure form for all donors between sixteen and seventeen years of age. This form shall provide information regarding donor risks and safety precautions.";** and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2270**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2297**, entitled:

An act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, Page 3, Section 184.503, Line 30, by inserting immediately after all of said line the following:

**"Provisions of this section to the contrary notwithstanding, no tax authorized under the provisions of this section shall be effective in any eligible noncharter county unless the tax authorized under the provisions of this section is imposed by an eligible charter county."**

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, Page 1, Section Title, Line 2, by striking the word "the" at the end of said line; and

Further amend Line 3, by striking all of said line and inserting in lieu thereof the following:

"zoological districts."; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after said line the following:

"184.362. The use and enjoyment of such institutions and places, museums and parks of any and all of the subdistricts established under sections 184.350 to 184.384 shall be forever free **to residents of the district** and open to the public at such times as may be provided by the reasonable rules and regulations adopted by the respective commissions in order to render the use of the said subdistrict's facilities of the greatest benefit and efficiently to the greatest number. **Upon application of a subdistrict established under sections 184.350 to 184.384, or in the case of a subdistrict which contracts with another person for provision of services authorized by this chapter, upon application of both the subdistrict and any person with whom the subdistrict contracts, and upon majority vote by the district board, a fee may be charged upon nonresidents of the district for admission to such institutions, places, museums, and parks of any of the subdistricts or of any person with whom the commissioners of any of the subdistricts contract. The respective commissions may, upon a majority vote of such commission, provide for exemptions from any fee for admission, to institutions, places, museums, and parks of such commission, adopted by the district board under the provisions of this section.** The respective commissions may exclude from the use of the said facilities any and all persons who willfully violate such rules. In addition said commission shall make and adopt such bylaws, rules and regulations for its own guidance and for the election of its members and for the administration of the subdistrict as it may deem expedient and as may not be inconsistent with the provisions of the law.

The respective commissions **and any person with whom the commissioners of a subdistrict may contract**, may [contract] **enter into contracts** for, or exact, a charge from any person in connection with the use, enjoyment, purchase, license or lease of any property, facility, activity, exhibit, function, or personnel of the respective subdistricts **or of any person with whom the commissioners of any subdistrict may contract**. Said commission shall have exclusive control of the expenditures of all moneys collected by the district to the credit of the subdistrict's fund. The commission of any subdistrict established by the voters under the authority of section 184.350 shall have exclusive control of the construction and maintenance of any subdistrict buildings built or maintained in whole or in part with moneys of said fund and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for the purposes of the subdistrict under the authority conferred in this law. The commission of any subdistrict established by the voters under the authority of section 184.350 shall have the power to appoint a director and necessary assistants, to fix their compensation and shall also have power to remove such appointees. All employees, appointees and officers of publicly owned and operated museums and zoological parks shall on the establishment of a subdistrict related thereto become employees of the subdistrict and such appointees' and employees' seniority, pension, salaries, wages and fringe benefits shall be equal to or better than that existing at the time of the establishment of the subdistrict insofar as may be possible. The respective commissions shall whenever the need arises transmit to the district a complete survey and report of the subdistrict's need for construction, reconstruction and repair of improvements, buildings and other facilities and shall include all information and data necessary for the purpose of ascertaining the cost of such improvements and shall further certify to the district the need for incurring additional indebtedness as provided in sections 184.364 to 184.376 herein."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 52**.

#### SENATE CONCURRENT RESOLUTION NO. 52

WHEREAS, the Missouri State government is an institution that is empowered by the will and consent of the people of Missouri; and

WHEREAS, the elected and appointed officials of the state of Missouri must recognize that the tax dollars expended by the state belong to the people of the state; and

WHEREAS, during the spring of 2009, for the 2008 tax year, Missouri state taxpayers did not receive their tax refunds in a timely manner; and

WHEREAS, taxpayers were told by the Department of Revenue that there were processing delays and there were not enough staff to handle requests; and

WHEREAS, however, the monies that are rightly owed back to the taxpayers, were held at length without the consent of the taxpayers to cover budget shortfalls; and

WHEREAS, many tax refunds were not completed until the late summer of 2009; and

WHEREAS, while taxpayers are held to their obligations to pay taxes on time, the state did not honor the obligation to return taxpayer money to the taxpayers in a timely fashion; and

WHEREAS, tax refunds are the result of overpayment of taxes and those overpayments do not belong to the state, but to the people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, recognizes that tax refunds lawfully belong to the people and that the Governor and the Department of Revenue must ensure that income tax refunds

are processed and returned in a timely manner, that the tax dollars owed to the people are not to be used under false pretenses; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Director of the Department of Revenue.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 55**.

SENATE CONCURRENT RESOLUTION NO. 55

WHEREAS, our nation is fortunate to possess a wealth of natural resources and we have a long history of stewardship of these resources; and

WHEREAS, just as a farmer carefully tends the land on which his survival depends, many of our country's best resource stewards are those who use the resource and for whom the resource holds intrinsic value for sustenance, survival, or cultural tradition; and

WHEREAS, recreational fishermen and women are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters and freshwater resources. Recreational fishermen and women respect our country's marine and freshwater habitats because they know that in order for these ecosystems to sustain the aquatic life and natural wonder for which they are sought, these resources must be protected and carefully managed; and

WHEREAS, fishing as a pastime in our country boasts strong support, with 93 percent of Americans indicating they support legal recreational fishing, and it is an activity that is enjoyed by Americans across all age, gender, socioeconomic, and ethnic distinctions; and

WHEREAS, recreational fishermen and women contribute significantly to the national and regional economies through equipment and gear purchases, fuel, lodging, and food, with total related sportfishing expenditures exceeding \$125 billion and supporting over 1 million jobs; and

WHEREAS, President Obama created an Interagency Ocean Policy Task Force in June of 2009 charged with recommending a national policy to ensure the protection, maintenance, and restoration of oceans, our coasts, and the Great Lakes; and

WHEREAS, the Task Force has issued two reports since its creation, the Interim Report of the Interagency Ocean Policy Task Force and the Interim Framework for Effective Coastal and Marine Spatial Planning, however the Task Force has failed to expressly recognize responsibly-regulated recreational fishing as a national priority for the oceans and Great Lakes in either of these reports; and

WHEREAS, without its recognition as a national priority, recreational fishing opportunities could become more limited, curtailed, or even potentially eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strenuously urge President Obama to include recreational fishing and boating as national priorities and ensure and promote recreational fishing and access to public waters in the Interagency Ocean Policy Task Force's concluding report and any forthcoming Executive Order based upon the report; and

BE IT FURTHER RESOLVED that the members strongly urge the members of Congress to take any measure within their power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force if such recommendations do not include responsibly-regulated recreational fishing and boating

as national priorities for oceans, our coasts, and the Great Lakes and if such recommendations do not ensure and promote recreational fishing and access to public waters; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President Obama, the Chairperson of the Interagency Ocean Policy Task Force, the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Missouri congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 56**.

SENATE CONCURRENT RESOLUTION NO. 56

WHEREAS, the United States Environmental Protection Agency (EPA) will shortly begin regulating greenhouse gas emissions under the federal Clean Air Act; and

WHEREAS, as a result of EPA's action, major new sources of electric generation will be mandated to obtain Prevention of Significant Deterioration (PSD) permits setting forth Best Available Control Technology requirements for greenhouse gases; and

WHEREAS, major uncertainty exists because trial technologies, such as carbon capture and sequestration or integrated gasification combined cycle power plants, which hold significant prospect to reduce greenhouse gas emissions, are still years away from being proven to be economically practicable or commercially available; and

WHEREAS, this uncertainty could paralyze the long-term planning and development of new electric generating units in the state at a time when the state faces a critical void in the coming years in the electric power needed to support economic recovery and growth; and

WHEREAS, highly efficient power technologies, such as super-critical and ultra super-critical coal-fired electric generating units, represent a significant advancement over earlier generation coal units in terms of efficient use of coal and in reductions of emissions, and are compatible with carbon capture and sequestration systems when they become commercially viable, which will lead to even further greenhouse gas reductions; and

WHEREAS, these super-critical technologies are already demonstrated to serve the dual purpose of reducing the overall emissions profile of the electricity generation unit while providing efficient, affordable, and available power today and into the future; and

WHEREAS, it is in the state's interest to support the use of these advanced and available technologies that take advantage of existing coal reserves to offer the state significant environmental and economic advantages, rather than delay development of critically needed baseload electricity supply or resort fully to less efficient or more expensive technologies:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Department of Natural Resources, in issuing PSD permits for new conventional coal-fueled electric generating units, and consistent with otherwise applicable law, to fully consider:

- (1) The need to act expeditiously in accordance with the state's need to develop new electric generation; and
- (2) The use of commercially available technologies that are designed to be as efficient as is economically practicable, including advanced super-critical pulverized coal, ultra super-critical pulverized coal, and that are designed to be carbon capture and sequestration-compatible, as potential Best Available Control Technology; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject in the PSD process, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Director of the Department of Natural Resources.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#3 SCS SJR 45**, entitled:

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2(a) and 2(b) of article IX of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the state board of education, with an effective date.

In which the concurrence of the House is respectfully requested.

COMMUNICATIONS

April 21, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss,

Pursuant to Article III, Section 22, of the Missouri Constitution, we, the undersigned, do hereby order that the House Rules Committee be relieved of **House Committee Substitute for House Bill No. 2300** and that said bill be placed on the House Calendar for consideration.

/s/ Terry Witte  
/s/ Gina Walsh  
/s/ John Burnett  
/s/ Shalonn K. Curls  
/s/ James Morris  
/s/ Rachel Bringer  
/s/ Belinda Harris  
/s/ Jeanette Mott Oxford  
/s/ Jake Zimmerman  
/s/ Paul LeVota  
/s/ Mike Talboy  
/s/ Trent Skaggs  
/s/ Terry Swinger  
/s/ Mary Still  
/s/ Rebecca McClanahan  
/s/ Joseph Fallert Jr.  
/s/ Jill Schupp  
/s/ Jeanne Kirkton

/s/ Pat Conway  
/s/ Jason Kander  
/s/ Jake Hummel  
/s/ Mike Colona  
/s/ Margo McNeil  
/s/ Stacy Newman  
/s/ Bert Atkins  
/s/ Sharon Pace  
/s/ Rachel Storch  
/s/ Jeff Roorda  
/s/ Beth Low  
/s/ Tim Meadows  
/s/ Steve Hodges  
/s/ Kate Meiners  
/s/ Michele Kratky  
/s/ Vicki Englund  
/s/ Stephen Webber  
/s/ Tom Todd  
/s/ Jason Holsman  
/s/ Patricia Yaeger  
/s/ Ed Schieffer  
/s/ Michael Spreng  
/s/ Michael Vogt  
/s/ Paul Quinn  
/s/ Tom Shively  
/s/ Ron Casey  
/s/ Kenny Biermann  
/s/ Chris Kelly  
/s/ J.C. Kuessner  
/s/ Don Calloway  
/s/ Hope Whitehead  
/s/ Michael Frame  
/s/ Michael Brown  
/s/ Tom McDonald  
/s/ Luke Scavuzzo  
/s/ Mike Corcoran  
/s/ Sara Lampe  
/s/ Will Kraus  
/s/ Gary Dusenberg  
/s/ Chris Molendorp

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April 27, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss,

Pursuant to Article III, Section 22, of the Missouri Constitution, we, the undersigned, do hereby order that the House Special Standing Committee on Governmental Accountability and Ethics Reform be relieved of **House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577** and that said bill be placed on the House Calendar for consideration.

/s/ Terry Witte  
/s/ John Burnett  
/s/ James Morris  
/s/ Gina Walsh  
/s/ Shalonn K. Curls  
/s/ Paul LeVota  
/s/ J.C. Kuessner  
/s/ Joseph Fallert Jr.  
/s/ Terry Swinger  
/s/ Mike Colona  
/s/ Rachel Bringer  
/s/ Jill Schupp  
/s/ Sara Lampe  
/s/ Jeff Roorda  
/s/ Trent Skaggs  
/s/ Tom McDonald  
/s/ Rachel Storch  
/s/ Linda Fischer  
/s/ Pat Conway  
/s/ Hope Whitehead  
/s/ Jake Zimmerman  
/s/ Jacob Hummel  
/s/ Chris Carter  
/s/ Michael Frame  
/s/ Ed Schieffer  
/s/ Beth Low  
/s/ Maria Chappelle-Nadal  
/s/ Kate Meiners  
/s/ Jeanne Kirkton  
/s/ Steve Hodges  
/s/ Jason Kander  
/s/ Tim Meadows  
/s/ Mike Talboy  
/s/ Sue Schoemehl  
/s/ Michael G. Corcoran  
/s/ Sam Komo  
/s/ Jason Holsman  
/s/ Jason Grill  
/s/ Mary W. Still  
/s/ Michele Kratky  
/s/ Stephen Webber  
/s/ Patricia Yaeger

/s/ Michael Spreng  
/s/ Luke Scavuzzo  
/s/ Jeanette Mott Oxford  
/s/ Michael Brown  
/s/ Rebecca McClanahan  
/s/ Chris Kelly  
/s/ Vicki Englund  
/s/ Tom Todd  
/s/ Margo McNeil  
/s/ Belinda Harris  
/s/ Bert Atkins  
/s/ Paul Quinn  
/s/ Tom Shively  
/s/ Don Calloway  
/s/ Will Kraus  
/s/ Gary Dusenberg  
/s/ Chris Molendorp

## MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

April 27, 2010

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
95th GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 1498** entitled:

"AN ACT"

To repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

On April 27, 2010, I approved said **House Committee Substitute for House Bill No. 1498**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

## RECESS

Representative Jones (89) moved that the House stand in recess until the Conference Committee Reports on **HB 2001 through HB 2013** are distributed; and then stand adjourned until 10:00 a.m., Wednesday, April 28, 2010.



**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2002**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2002.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2003**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2003.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2003.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey  
/s/ Chris Kelly

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2004**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2004.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2005**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2005.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2006**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2006.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2007**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2007.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2008**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2008.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2009**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2009.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2010**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2010.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2011**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2011.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2012**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2012.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey  
/s/ Chris Kelly



**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2013**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2013.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott Rupp  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey  
/s/ Chris Kelly

**ADJOURNMENT**

Pursuant to the motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, April 28, 2010.

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Thursday, April 29, 2010, 8:30 a.m. Hearing Room 6.  
Possible Executive session.

### CRIME PREVENTION

Wednesday, April 28, 2010, Hearing Room 5 upon morning recess.  
Executive session may follow.  
Public hearing to be held on: HB 1613

### ELEMENTARY AND SECONDARY EDUCATION

Thursday, April 29, 2010, 8:00 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SS SB 943, SCS SB 815

### FISCAL REVIEW

Wednesday, April 28, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### FISCAL REVIEW

Thursday, April 29, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### HEALTH CARE POLICY

Wednesday, April 28, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.  
Executive session may follow.  
Public hearing to be held on: HB 2051, SB 971

### INSURANCE POLICY

Wednesday, April 28, 2010, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: SCS SB 685, SCS SB 834, SB 985

### INTERNATIONAL TRADE AND IMMIGRATION

Wednesday, April 28, 2010, Hearing Room 7, 5:00 p.m. or upon afternoon adjournment.  
Executive session may follow.  
Public hearing to be held on: HCR 74, HB 2449

### JOINT COMMITTEE ON EDUCATION

Wednesday, April 28, 2010, 9:00 a.m. Hearing Room 6.  
Election of officers.  
Discussion of other issues.

JUDICIARY

Wednesday, April 28, 2010, Hearing Room 1 upon morning recess.  
Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, April 28, 2010, Hearing Room 3 upon afternoon adjournment.  
Any bills referred to committee.  
Possible Executive session.

Public hearing to be held on: HCR 77, HCS HB 1583, HCS HB 1725, HCS SS SCS SB 605,  
HCS SB 739, HCS SCS SB 777, HCS SB 791, SCS SB 808, HCS SB 848

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 28, 2010, 8:00 a.m. Hearing Room 1.  
Continuation of hearing on HB 1234.  
Executive session may follow.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND  
ETHICS REFORM

Wednesday, April 28, 2010, Hearing Room 1 upon afternoon adjournment.  
Executive session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND  
ETHICS REFORM

Thursday, April 29, 2010, 8:00 a.m. Hearing Room 1.  
Executive session.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 28, 2010, 12:00 p.m. Hearing Room 4.  
Executive session on SCS SB 616  
Public hearing to be held on: SCS SB 616

TRANSPORTATION

Thursday, April 29, 2010, 8:45 a.m. Hearing Room 7.  
Executive session. AMENDED  
Public hearing to be held on: SCR 51

**HOUSE CALENDAR**

SIXTIETH DAY, WEDNESDAY, APRIL 28, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE JOINT RESOLUTIONS FOR SECOND READING**

SS#3 SCS SJR 45

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 HCS SB 851 - Parson
- 5 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 733, E.C. - Kingery
- 2 HCS SCS SB 754 - Wasson
- 3 HCS SB 987 - Hobbs
- 4 SB 773 - Smith (14)
- 5 SS SB 578 - Flook
- 6 HCS SS SCS SBs 586 & 617 - Emery
- 7 SCS SB 630 - Jones (117)
- 8 SCS SB 644 - Conway
- 9 SB 771 - Wilson (119)
- 10 HCS SCS SB 774, (Fiscal Review 4-26-10) - Riddle
- 11 HCS SCS SBs 842, 799 & 809, (Fiscal Review 4-26-10) - Stream
- 12 SS SB 928, (Fiscal Review 4-26-10), E.C. - Sutherland
- 13 HCS SB 795, (Fiscal Review 4-27-10) - Loehner

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 SCS HCS HB 2297, as amended - Molendorp
- 10 HCS HB 1977, SA1, SA2 - Wasson

**BILLS IN CONFERENCE**

- 1 SCS HCS HB 2001 - Icet
- 2 CCR SS SCS HCS HB 2002 - Icet
- 3 CCR SS SCS HCS HB 2003 - Icet
- 4 CCR SCS HCS HB 2004 - Icet
- 5 CCR SCS HCS HB 2005 - Icet
- 6 CCR SCS HCS HB 2006 - Icet
- 7 CCR SCS HCS HB 2007 - Icet
- 8 CCR SCS HCS HB 2008 - Icet
- 9 CCR SCS HCS HB 2009 - Icet
- 10 CCR SCS HCS HB 2010 - Icet
- 11 CCR SCS HCS HB 2011 - Icet
- 12 CCR SCS HCS HB 2012 - Icet
- 13 CCR SCS HCS HB 2013 - Icet

**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION**

HCS HB 2300 - Wilson (130)

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HB 2116 - Still

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTIETH DAY, WEDNESDAY, APRIL 28, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

O Lord, our Lord, Your majestic name fills the Earth! Your glory is higher than the Heavens. The Lord is a refuge for the oppressed, a place of safety in times of trouble. Those who know You, Lord, will trust You; You do not abandon anyone who comes to You.

We choose to be accurate in everything we do today. With Your help, we will continue to be people of integrity, honesty and humility. We humbly receive Your wisdom. Help us to do what is right simply because it is right.

May we, the members of the Missouri House of Representatives be encouraged and guided by Your Word as we deliberate and discuss the critical issues before us today.

It is useless to work so hard from early morning until late at night and not accomplish set goals. May our time be well spent and fruitful.

Lord God, at the end of this long, exhausting day, grant us a well deserved rest, for You alone, O Lord, give sleep to the weary.

Now may You, Lord God our Father, Who loved us and by Your grace gave us eternal comfort and a wonderful hope, comfort and strengthen us in every good thing we do and say.

In the name of Your Son, I pray. Amen.

The McDonald County High School Army Junior ROTC Battalion Color Guard presented the Colors.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Michael Skinner, Matt Riva, Taylor Jones, Brandon Thomas, Garrett DeBoor and Delaney Northington.

The Journal of the fifty-ninth day was approved as printed.

### **SPECIAL RECOGNITION**

Rodney Dillard was introduced by Representative Smith (150) and recognized as an Outstanding Missourian.

The Sturgeon Bulldogs Boys Basketball Team was introduced by Representative Quinn and recognized for attaining the 2009-2010 Class 2 State Championship.

The University of Missouri Women's Gymnastic Team was introduced by Representative Still and recognized for attaining the 2010 NCAA Regional Championship and advancing to the 2010 NCAA Women's Collegiate National Championship.

### **HOUSE RESOLUTION**

Representative Bringer offered House Resolution No. 2780.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2711 through House Resolution No. 2779

### **SECOND READING OF SENATE JOINT RESOLUTION**

**SS#3 SCS SJR 45** was read the second time.

### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 774** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 795** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 842, 799 & 809** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SB 928** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

### **THIRD READING OF SENATE BILL**

**SB 773**, relating to automated teller machine surcharges, was taken up by Representative Smith (14).

Representative Nolte offered **House Amendment No. 1**.



House Amendment No. 1

AMEND Senate Bill No. 773, Page 2, Section 362.111, Line 23, by inserting after all of said line the following:

- "620.1910. 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".**
- 2. As used in this section, the following terms mean:**
- (1) "Approval", a document submitted by the department to the qualified manufacturing facility or qualified supplier that states the benefits that may be provided under this section;**
  - (2) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product;**
  - (3) "County average wage", the same meaning as provided under section 620.1878;**
  - (4) "Department", the department of economic development;**
  - (5) "Facility", a building or buildings located in Missouri at which the new product is manufactured;**
  - (6) "Full-time job", a job for which a person is compensated for an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified manufacturing company or qualified supplier offers health insurance and pays at least fifty percent of such insurance premiums;**
  - (7) "NAICS industry classification", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;**
  - (8) "New job", the same meaning as provided under section 620.1878;**
  - (9) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by the qualified manufacturing company at any time prior to the date of the notice of intent;**
  - (10) "Notice of intent", a form developed by the department, completed by the qualified manufacturing company or qualified supplier and submitted to the department which states the qualified manufacturing company's or qualified supplier's intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;**
  - (11) "Private funds", financing sources of the qualified manufacturing company for the retention or creation of jobs or capital investment which shall include equity or loans that require repayment and are from sources other than guaranteed funds directly attributed to the capital investment granted by Missouri or one or more of its local political subdivisions;**
  - (12) "Qualified manufacturing company", a business that:**
    - (a) Manufactures goods at a facility in Missouri;**
    - (b) Derives more than ten percent of the facility's total annual sales from goods produced at the facility which are exported outside the United States or sold to the federal government for export outside the United States or that derives more than twenty percent of total annual sales of the facility from goods produced at the facility which are exported outside the state of Missouri;**
    - (c) Commits to make a capital investment of at least one hundred thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax pursuant to this section;**
    - (d) Manufactures a new product or has commenced making capital improvements to the facility necessary for the manufacturing of such new product; and**
    - (e) Continues to meet the requirements of paragraphs (a) to (d) of this subdivision for a period of at least ten years from the date of the notice of intent;**
  - (13) "Qualified supplier", a manufacturing company that:**
    - (a) Attests to the department that it derives more than ten percent of the total annual sales of the company from sales to a qualified manufacturing facility;**
    - (b) Adds five or more new jobs;**
    - (c) Pays wages for such new jobs that are equal to or exceed the lower of the county average wage or the industry average wage for Missouri as determined by the department using NAICS industry classifications, but not lower than sixty percent of the statewide average wage; and**
    - (d) Provides health insurance to employees and pays at least fifty percent of the premiums of such insurance;**
  - (14) "Retained job", the number of full-time jobs of persons employed by the qualified manufacturing company located at the project facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;**

(15) "Statewide average wage", an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for all Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(16) "Total annual sales", the denominator of the sales apportionment fraction reported on the Missouri tax return filed by the qualified manufacturing company or the qualified supplier for taxes imposed under chapter 143;

(17) "Withholding period", the ten year period in which a qualified manufacturing company may receive benefits under this section;

(18) "Withholding tax", the same meaning as provided under section 620.1878.

3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A qualified manufacturing company may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility for a period of ten years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program under sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax pursuant to this section, provided all qualifications for such program are met.

5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of this section, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company pursuant to this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies pursuant to this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs shall include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the new jobs training program in sections 178.892 to 178.896, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any taxpayer who is awarded benefits under this section who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to taxpayers awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule

are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the contents of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the number of full-time jobs of the qualified manufacturing company at the facility falls below the number of full-time jobs specified within the notice of intent at any time during the withholding period, or if the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such employment shortfall is due to economic conditions beyond the control of the qualified manufacturing company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax pursuant to this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of facilities or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nolte, **House Amendment No. 1** was adopted.

On motion of Representative Smith (14), **SB 773, as amended**, was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80

Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Lochner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 007

Bringer	Dethrow	Harris	Oxford	Quinn
Sander	Swinger			

PRESENT: 000

ABSENT WITH LEAVE: 006

Hughes	Kuessner	Self	Shively	Sutherland
Weter				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

## BILLS IN CONFERENCE

**SCS HCS HB 2001**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the Conference Committee on **SCS HCS HB 2001** be dissolved, and **SCS HCS HB 2001** be adopted.

Which motion was adopted by the following vote:

AYES: 111

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Davis	Deeken	Dixon	Denison	Dethrow
Dieckhaus	Diehl	Ervin	Dougherty	Dugger
Dusenberg	Emery	Flood	Faith	Fischer 107
Fisher 125	Flanigan		Franz	Funderburk

Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Ice	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Lair	Largent
Leara	Liese	Lipke	Lochner	McGhee
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Webber
Wells	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 046

Atkins	Aull	Bringer	Burnett	Curls
Englund	Fallert	Frame	Grill	Harris
Hodges	Holsman	Hummel	Kander	Kirkton
Lampe	LeBlanc	LeVota	Low	McClanahan
McDonald	McNeil	Meadows	Newman	Norr
Oxford	Pace	Quinn	Roorda	Scavuzzo
Schieffer	Schoemehl	Schupp	Skaggs	Spreng
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 005

Hughes	Kuessner	Self	Shively	Weter
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VACANCIES: 001

On motion of Representative Ice, **SCS HCS HB 2001** was truly agreed to and finally passed by the following vote:

AYES: 115

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Ice	Jones 63	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Lair	Largent
Leara	Liese	Lipke	Lochner	McGhee
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson

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Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Webber	Wells	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Mr Speaker

NOES: 042

Atkins	Aull	Bringer	Burnett	Chappelle-Nadal
Curls	Englund	Fallert	Frame	Harris
Hodges	Holsman	Hummel	Kander	Kirkton
Lampe	LeBlanc	LeVota	Low	McClanahan
McDonald	McNeil	Meadows	Newman	Norr
Oxford	Pace	Roorda	Schieffer	Schoemehl
Schupp	Skaggs	Spreng	Swinger	Talboy
Vogt	Walsh	Walton Gray	Webb	Whitehead
Witte	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

Hughes	Kuessner	Self	Shively	Weter
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VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**CCR SS SCS HCS HB 2002**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SS SCS HCS HB 2002** was adopted by the following vote:

AYES: 088

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Colona	Cooper	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dougherty	Dugger	Dusenberg
Emery	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 89
Jones 117	Kander	Kelly	Kingery	Koenig
Kratky	Lair	Largent	Leara	Lipke
Loehner	McDonald	McNary	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream

Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 063

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Conway	Corcoran	Curls	Davis
Englund	Ervin	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hughes
Hummel	Jones 63	Keeney	Kirkton	Komo
Kraus	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McNeil	Meadows	Morris
Newman	Norr	Oxford	Pace	Roorda
Rucker	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Skaggs	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Dixon	Guernsey	Kuessner	McGhee	Nasheed
Quinn	Self	Shively	Spreng	Vogt
Weter				

VACANCIES: 001

On motion of Representative Icet, **CCS SS SCS HCS HB 2002** was read the third time and passed by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Colona	Cooper	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dougherty	Dugger	Dusenberg
Emery	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Icet
Jones 89	Jones 117	Kander	Kelly	Kingery
Koenig	Kratky	Lair	Largent	Leara
Lipke	Loehner	McDonald	McNary	Meiners
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pratt	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Conway	Corcoran	Curls	Davis
Dixon	Englund	Ervin	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hughes	Hummel	Jones 63	Keeney	Kirkton
Komo	Kraus	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McNeil	Meadows
Morris	Newman	Norr	Oxford	Pace
Roorda	Rucker	Scavuzzo	Schaaf	Schieffer
Schoemehl	Schupp	Skaggs	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 011

Kuessner	McGhee	Nasheed	Pollock	Quinn
Self	Shively	Spreng	Sutherland	Vogt
Weter				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### **HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION**

**HCS HB 2300**, relating to lobbying and ethics, was placed on the Informal Calendar.

### **SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION**

**SS#2 SCS SB 577**, relating to lobbying and ethics, was placed on the Informal Calendar.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

### **THIRD READING OF SENATE BILL**

**SS SB 928**, relating to sales tax collections, was taken up by Representative Sutherland.



On motion of Representative Sutherland, **SS SB 928** was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 117	Kander	Keeney
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pratt	Quinn	Riddle	Roorda	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 001

Pollock

PRESENT: 000

ABSENT WITH LEAVE: 011

Hodges	Jones 89	Kelly	Kuessner	McGhee
Rucker	Ruestman	Self	Shively	Spreng
Weter				

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 113

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Holsman	Hoskins 80	Hoskins 121	Hughes	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Lampe	Largent
Leara	Lipke	Loehner	McClanahan	McNary
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Silvey	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Wasson	Webber
Wells	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 038

Atkins	Brown 50	Burnett	Colona	Conway
Englund	Fallert	Fischer 107	Harris	Hodges
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	LeBlanc	LeVota	Low	McDonald
McNeil	Meadows	Morris	Newman	Norr
Oxford	Pace	Roorda	Scavuzzo	Schoemehl
Schupp	Skaggs	Still	Walsh	Walton Gray
Webb	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Corcoran	Kuessner	Liese	McGhee	Rucker
Ruestman	Self	Shively	Spreng	Vogt
Weter				

VACANCIES: 001

## BILLS IN CONFERENCE

**CCR SS SCS HCS HB 2003**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SS SCS HCS HB 2003** was adopted by the following vote:

AYES: 117

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Brown 50	Brown 149	Burlison	Calloway
Carter	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Holsman
Hoskins 80	Hoskins 121	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Lair	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Sutherland
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walton Gray	Wasson	Webb	Webber
Wells	Whitehead	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 035

Aull	Bringer	Brown 30	Burnett	Casey
Davis	Englund	Ervin	Fallert	Frame
Hodges	Hughes	Hummel	Kirkton	Kraus
Lampe	LeVota	Low	Meadows	Newman
Norr	Oxford	Roorda	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Skaggs	Swinger
Talboy	Vogt	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 010

Bruns	Kuessner	McGhee	Salva	Self
Shively	Spreng	Stream	Walsh	Weter

VACANCIES: 001

On motion of Representative Icet, **CCS SS SCS HCS HB 2003** was read the third time and passed by the following vote:

AYES: 115

Allen	Atkins	Biermann	Brandom	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Fischer 107	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Holsman	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Tilley
Todd	Tracy	Viebrock	Wallace	Walton Gray
Wasson	Webb	Webber	Wells	Whitehead
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 034

Aull	Bringer	Brown 30	Burnett	Casey
Davis	Englund	Ervin	Fallert	Frame
Hodges	Hughes	Hummel	Kirkton	Kraus
LeVota	Low	Meadows	Newman	Oxford
Roorda	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Skaggs	Spreng	Swinger	Talboy
Vogt	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 013

Ayres	Bivins	Denison	Faith	Flanigan
Kuessner	McGhee	Nolte	Self	Shively
Thomson	Walsh	Weter		

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SCS HCS HB 2004**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2004** was adopted by the following vote:

AYES: 093

Allen	Atkins	Ayres	Bivins	Brandom
Brown 50	Brown 149	Bruns	Burlison	Calloway
Carter	Chappelle-Nadal	Colona	Conway	Corcoran
Cunningham	Curls	Day	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Emery	Faith
Fisher 125	Flanigan	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 63	Jones 89
Kander	Keeney	Kelly	Koenig	Kratky
Lair	Largent	Leara	LeBlanc	Liese
Lipke	Loehner	McDonald	McNary	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Parson	Pratt
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schad	Scharnhorst
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Storch	Stream	Sutherland	Tilley	Tracy
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 058

Aull	Biermann	Bringer	Burnett	Casey
Cox	Davis	Deeken	Dethrow	Dugger
Dusenberg	Englund	Ervin	Fallert	Fischer 107
Flook	Frame	Harris	Hodges	Holsman
Hughes	Hummel	Kirkton	Komo	Kraus
Lampe	LeVota	Low	McClanahan	McNeil
Meadows	Norr	Oxford	Pace	Pollock
Quinn	Roorda	Schaaf	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Stevenson
Still	Swinger	Talboy	Todd	Vogt
Walsh	Webb	Webber	Wells	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 30	Cooper	Jones 117	Kingery	Kuessner
McGhee	Parkinson	Self	Thomson	Walton Gray
Weter				

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2004** was read the third time and passed by the following vote:

AYES: 093

Allen	Atkins	Ayres	Bivins	Brandom
Brown 50	Brown 149	Bruns	Burlison	Calloway
Carter	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Day	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Faith
Fisher 125	Flanigan	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Kratky	Lair	Largent	Leara
LeBlanc	Liese	Lipke	Loehner	McDonald
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Parson
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schlottach	Schoeller	Silvey	Smith 14
Smith 150	Storch	Stream	Sutherland	Tilley
Tracy	Viebrock	Wasson	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 060

Aull	Biermann	Bringer	Brown 30	Burnett
Casey	Cox	Davis	Deeken	Dethrow
Dugger	Dusenberg	Emery	Englund	Ervin
Fallert	Fischer 107	Flook	Frame	Harris
Hodges	Holsman	Hughes	Hummel	Kirkton
Komo	Kraus	Lampe	LeVota	Low
McClanahan	McNeil	Meadows	Norr	Oxford
Pace	Pollock	Quinn	Roorda	Schaaf
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Stevenson	Still	Swinger	Talboy
Todd	Vogt	Walsh	Webb	Webber
Wells	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 009

Kuessner	McGhee	Nolte	Parkinson	Self
Thomson	Wallace	Walton Gray	Weter	

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SCS HCS HB 2005**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2005** was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Lair
Largent	Leara	Liese	Lipke	Loehner
McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 068

Aull	Biermann	Bringer	Brown 30	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Davis	Dusenberg
Emery	Englund	Ervin	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hughes
Hummel	Jones 63	Kander	Kirkton	Komo
Kratky	Kraus	Lampe	LeBlanc	LeVota
Low	McClanahan	McDonald	McNeil	Morris
Newman	Oxford	Pace	Pratt	Quinn
Roorda	Rucker	Scavuzzo	Schaaf	Schieffer
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 010

Atkins	Corcoran	Fallert	Kuessner	McGhee
Meadows	Norr	Schoemehl	Self	Weter

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2005** was read the third time and passed by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Lair
Largent	Leara	Liese	Lipke	Loehner
McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parson	Pollock
Riddle	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Scharnhorst	Schlottach	Schoeller
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 066

Aull	Biermann	Bringer	Brown 30	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Davis	Dusenberg	Emery
Englund	Ervin	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hughes	Hummel
Jones 63	Kander	Kirkton	Komo	Kratky
Kraus	Lampe	LeVota	Low	McClanahan
McDonald	McNeil	Morris	Newman	Oxford
Pace	Pratt	Quinn	Roorda	Rucker
Scavuzzo	Schaaf	Schieffer	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 013

Atkins	Calloway	Corcoran	Fallert	Kuessner
LeBlanc	McGhee	Meadows	Norr	Parkinson
Schoemehl	Self	Weter		

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SCS HCS HB 2006**, relating to appropriations, was taken up by Representative Icet.



On motion of Representative Icet, **CCR SCS HCS HB 2006** was adopted by the following vote:

AYES: 116

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 50	Brown 149	Bruns	Burlison
Calloway	Carter	Chappelle-Nadal	Colona	Conway
Cooper	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Faith
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Icet	Jones 63	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McDonald
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Newman	Nieves	Nolte
Pace	Parkinson	Parson	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Wells	Wilson 119	Witte	Yaeger
Mr Speaker				

NOES: 022

Brown 30	Burnett	Casey	Davis	Englund
Ervin	Frame	Hummel	Kraus	LeVota
Low	Oxford	Roorda	Schaaf	Schupp
Skaggs	Spreng	Talboy	Vogt	Webber
Whitehead	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 024

Atkins	Biermann	Corcoran	Cox	Fallert
Guest	Hughes	Jones 89	Jones 117	Kuessner
LeBlanc	McGhee	Meadows	Nasheed	Norr
Pollock	Sander	Schoemehl	Self	Sutherland
Weter	Wilson 130	Wright	Zerr	

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2006** was read the third time and passed by the following vote:

AYES: 115

Allen	Aull	Ayres	Bivins	Brandom
Bringer	Brown 50	Brown 149	Burlison	Calloway
Carter	Chappelle-Nadal	Colona	Conway	Cooper
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Faith	Fischer 107
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Icet
Jones 63	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McDonald	McNary	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Pace	Parkinson
Parson	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Walton Gray	Wasson	Webb	Wells
Wilson 119	Witte	Yaeger	Zerr	Mr Speaker

NOES: 022

Brown 30	Burnett	Casey	Davis	Englund
Ervin	Frame	Hummel	Kraus	LeVota
Low	Oxford	Roorda	Schaaf	Schupp
Skaggs	Spreng	Talboy	Vogt	Webber
Whitehead	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 025

Atkins	Biermann	Bruns	Corcoran	Cox
Fallert	Fisher 125	Guest	Hughes	Jones 89
Jones 117	Kuessner	LeBlanc	McGhee	Meadows
Nasheed	Norr	Pollock	Sander	Schoemehl
Self	Wallace	Weter	Wilson 130	Wright

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SCS HCS HB 2007**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2007** was adopted by the following vote:

AYES: 091

Allen	Ayres	Biermann	Bivins	Brandom
Brown 50	Brown 149	Bruns	Burlison	Cooper
Corcoran	Cox	Cunningham	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Faith
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
Meiners	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pratt	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schoeller	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Webb	Wells	Wilson 130	Zerr
Mr Speaker				

NOES: 052

Aull	Bringer	Brown 30	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Curls	Davis	Englund	Ervin	Fischer 107
Grill	Harris	Hodges	Holsman	Hummel
Kirkton	Kratky	Kraus	Lampe	LeBlanc
LeVota	Low	McClanahan	McDonald	McNeil
Morris	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schaaf	Schieffer	Schupp
Shively	Skaggs	Swinger	Talboy	Todd
Vogt	Walton Gray	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 019

Atkins	Fallert	Hughes	Kuessner	McNary
Meadows	Nasheed	Newman	Norr	Pollock
Schlottach	Schoemehl	Self	Spreng	Sutherland
Walsh	Weter	Wilson 119	Wright	

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2007** was read the third time and passed by the following vote:

AYES: 094

Allen	Ayres	Biermann	Bivins	Brandom
Brown 50	Brown 149	Bruns	Burlison	Cooper
Corcoran	Cox	Cunningham	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Faith
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pratt	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Schad	Scharnhorst	Schoeller
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Webb
Wells	Wright	Zerr	Mr Speaker	

NOES: 054

Aull	Bringer	Brown 30	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Davis	Englund	Ervin	Fischer 107	Grill
Harris	Hodges	Holsman	Hummel	Kirkton
Kratky	Kraus	Lampe	LeBlanc	LeVota
Low	McClanahan	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schaaf	Schieffer
Schupp	Shively	Skaggs	Spreng	Swinger
Talboy	Todd	Vogt	Walton Gray	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 014

Atkins	Curls	Fallert	Hughes	Kuessner
Meadows	Pollock	Schlottach	Schoemehl	Self
Walsh	Weter	Wilson 119	Wilson 130	

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SCS HCS HB 2008**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2008** was adopted by the following vote:

AYES: 082

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Iceet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Lair	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pratt
Riddle	Ruestman	Ruzicka	Salva	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Davis	Englund
Ervin	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kraus	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Sander
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Calloway	Kuessner	Largent	Morris
Pollock	Self	Weter	Wilson 119	

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2008** was read the third time and passed by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Corcoran	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Parkinson	Parson
Pratt	Riddle	Ruestman	Ruzicka	Salva
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Curls	Davis
Englund	Ervin	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kraus	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Sander	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 007

Kuessner	Morris	Nolte	Pollock	Self
Weter	Wilson 119			

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SCS HCS HB 2009**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2009** was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Emery
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Lair	Largent	Leara	Loehner
McDonald	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Viebrock	Wallace	Wasson	Wells	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Davis	Dethrow	Dugger
Dusenberg	Englund	Ervin	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hughes	Hummel	Jones 63	Kirkton	Komo
Kratky	Kraus	Lampe	LeVota	Liese
Lipke	Low	McClanahan	McNeil	Meadows
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Scavuzzo	Schaaf	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Todd
Tracy	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Kuessner	LeBlanc	McGhee	Pollock
Scharnhorst	Self	Vogt	Weter	

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2009** was read the third time and passed by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 50
Brown 149	Bruns	Burlison	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Emery	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Iceet
Jones 89	Jones 117	Kander	Keeney	Kingery
Koenig	Lair	Largent	Leara	Loehner
McDonald	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schad
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Viebrock	Wasson	Wells	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Davis	Dethrow	Dugger
Dusenberg	Englund	Ervin	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hughes	Hummel	Jones 63	Kirkton	Komo
Kratky	Kraus	Lampe	LeVota	Liese
Low	McClanahan	McNeil	Meadows	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Tracy
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Kelly	Kuessner	LeBlanc	Lipke	McGhee
Morris	Scharnhorst	Self	Vogt	Wallace
Weter				

VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

**CCR SCS HCS HB 2010**, relating to appropriations, was taken up by Representative Iceet.



On motion of Representative Icet, **CCR SCS HCS HB 2010** was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Corcoran	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Faith	Fisher 125	Flanigan
Flook	Franz	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pratt	Riddle	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Stevenson	Stream	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Curls	Davis
Englund	Ervin	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hughes
Hummel	Jones 63	Kander	Kirkton	Komo
Kratky	Kraus	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schaaf	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 008

Funderburk	Kuessner	Pollock	Self	Spreng
Sutherland	Vogt	Weter		

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2010** was read the third time and passed by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Corcoran	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Iceet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pratt	Riddle	Ruestman	Ruzicka
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Davis	Englund
Ervin	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hughes	Hummel
Jones 63	Kander	Kirkton	Komo	Kratky
Kraus	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schaaf	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

Calloway	Gatschenberger	Kuessner	Pollock	Self
Spreng	Weter			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HCS HJR 63** - Fiscal Review (Fiscal Note)

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1676** - Local Government

**HB 1715** - Retirement

**HB 2350** - Energy and Environment

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 31** - Higher Education

### **REFERRAL OF SENATE JOINT RESOLUTIONS**

The following Senate Joint Resolutions were referred to the Committee indicated:

**SS SJR 44** - Higher Education

**SS#3 SCS SJR 45** - Higher Education

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 581** - Elections

**SS SCS SB 625** - Job Creation and Economic Development

**SB 684** - Judiciary

**SB 693** - Special Standing Committee on Children and Families

**SCS SB 700** - Local Government

**SS SB 714** - Retirement

**SS SCS SB 734** - Elementary and Secondary Education

**SS SCS SB 793** - Special Standing Committee on General Laws

**SB 801** - Financial Institutions

**SB 824** - Special Standing Committee on Emerging Issues in Animal Agriculture

**SB 860** - Special Standing Committee on General Laws

**SB 900** - Insurance Policy

## COMMITTEE REPORTS

**Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SB 583**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **SCS SB 887**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 77**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1583**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1725**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 605**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 739**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 777**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 778**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 791**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 808**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 844**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 848**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1392**, entitled:

An act to repeal sections 67.110, 138.431, and 321.250, RSMo, and to enact in lieu thereof three new sections relating to property taxes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1654**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1840**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 1848**, entitled:

An act to amend chapter 21, RSMo, by adding thereto one new section relating to the study of urban farming.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1892**, entitled:

An act to repeal section 294.045, RSMo, and to enact in lieu thereof one new section relating to work certificates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1903**, entitled:

An act to repeal section 160.254, RSMo, and to enact in lieu thereof three new sections relating to funds established in the state treasury to receive federal funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2056**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 2081**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 2161**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2182**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 2231**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 2317**, entitled:

An act to amend chapter 8, RSMo, by adding thereto twelve new sections relating to state properties and the conveyance thereof, with an emergency clause for certain sections.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 2317, Page 17, Section 11, Lines 17-34 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"forever quitclaim any or all interest of the state of Missouri in real property located at the Nevada Habilitation Center, as specifically described herein. The authorization includes the lease-purchase of one portion and sale of the remainder of the property, in the Northwest 1/4 of Section 33, Township 36 North, Range 31 West of the 5th P.M. in Nevada, Missouri, Vernon County, more particularly described as follows:**

**Beginning at the Northwest corner of said Northwest 1/4; thence S88°18'28"E along the North line of said Northwest 1/4, a distance of 2629.18 feet to the Northeast Corner of said Northwest 1/4; thence S02°13'14"W along East line of said Northwest 1/4, a distance of 1219.36 feet; thence N88°36'07"W a distance of 823.82 feet; thence N02°14'03"E a distance of 580.95 feet; thence N88°18'28"W a distance of 519.23 feet to the Westerly Right of Way line of State Highway "W"; thence S02°12'02"W along said Right of Way line, a distance of 135.07 feet; thence N88°18'28"W a distance of 521.65 feet; thence S02°21'48"W a distance of 388.33 feet; thence N88°18'28"W a distance of 766.97 feet to the West line of said Northwest 1/4; thence N02°21'48"E along said West line, a distance of 1166.06 feet returning to the Point of Beginning. Having an Area of 60.58 acres.**

**Subject to road right of ways and easements, public and private, as may now be located."**

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, April 29, 2010.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, April 29, 2010, 9:00 a.m. Hearing Room 6.  
Possible Executive session. CANCELLED

### **ELEMENTARY AND SECONDARY EDUCATION**

Thursday, April 29, 2010, 8:00 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SS SB 943, SCS SB 815

### **FISCAL REVIEW**

Thursday, April 29, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **RETIREMENT**

Tuesday, May 4, 2010, 12:00 p.m. Hearing Room 3.  
Executive session may follow.  
Public hearing to be held on: HB 1715, SS SB 714

### **SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, April 29, 2010, 8:00 a.m. Hearing Room 1.  
Executive session. CANCELLED

### **TRANSPORTATION**

Thursday, April 29, 2010, 8:45 a.m. Hearing Room 7.  
Executive session. AMENDED  
Public hearing to be held on: SCR 51

## **HOUSE CALENDAR**

SIXTY-FIRST DAY, THURSDAY, APRIL 29, 2010

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63, (Fiscal Review 4-28-10) - Parson

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 2156 - Molendorp
- 2 HCS HB 1400 - Cox
- 3 HCS HB 2201, E.C. - Cox
- 4 HCS HBs 1521 & 1302 - Nance
- 5 HB 2245, E.C. - Bivins

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg



**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 HCS SB 851 - Parson
- 5 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 733, E.C. - Kingery
- 2 HCS SCS SB 754 - Wasson
- 3 HCS SB 987 - Hobbs
- 4 SS SB 578 - Flook
- 5 HCS SS SCS SBs 586 & 617 - Emery
- 6 SCS SB 630 - Jones (117)
- 7 SCS SB 644 - Conway
- 8 SB 771 - Wilson (119)
- 9 HCS SCS SB 774 - Riddle
- 10 HCS SCS SBs 842, 799 & 809 - Stream
- 11 HCS SB 795 - Loehner

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 SCS HCS HB 2297, as amended - Molendorp
- 10 HCS HB 1977, SA1, SA2 - Wasson
- 11 SS SCS HB 2317, as amended, E.C. - Tracy
- 12 SCS HB 1392 - Kirkton
- 13 SCS HB 1892 - Nasheed
- 14 SS HCS HB 1848 - Holsman
- 15 SCS HCS HB 1903, E.C. - Icet

**BILLS IN CONFERENCE**

- 1 CCR SCS HCS HB 2011 - Icet
- 2 CCR SCS HCS HB 2012 - Icet
- 3 CCR SCS HCS HB 2013 - Icet

**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- 1 HB 2116 - Still
- 2 HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-FIRST DAY, THURSDAY, APRIL 29, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

O Lord our God, we thank You for the strengthening grace which has accompanied us in the work of the last four months. We have reached the hard work of the last weeks of the 2010 Session of this body. We pray for ourselves.

Lord, may everything we do  
begin with Your inspiration and continue with Your help,  
so that all our prayers and works  
may begin in You and by You be happily ended.  
Glory and praise to You, forever and ever. Amen.  
*(Book of Blessings)*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Katelyn Beilsmith, Jamie Berger, Robbie Magruder, Alexa Gust, Alex Basi, Nicholas Basi, Julianna Basi, Matthew Bunch, Devin Asher, Levi Earnest, Kayla Guinn and Ashton Moise.

The Journal of the sixtieth day was approved as corrected by the following vote:

AYES: 093

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 80	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream

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Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hughes	Hummel	Kander	Kelly	Kirkton
Komo	Kratky	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Morris	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 007

Carter	Jones 63	Kuessner	Low	Newman
Spreng	Weter			

VACANCIES: 001

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2781 through House Resolution No. 2824

### **BILL IN CONFERENCE**

**CCR SCS HCS HB 2011**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2011** was adopted by the following vote:

AYES: 091

Allen	Ayres	Brandom	Brown 149	Bruns
Burlison	Colona	Corcoran	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Ice
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Kratky	Lair	Largent	Leara
Liese	Lipke	Loehner	McDonald	McGhee
McNary	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka

Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 063

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Casey	Chappelle-Nadal
Conway	Curls	Davis	Englund	Ervin
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Kander
Kirkton	Komo	Kraus	Lampe	LeBlanc
LeVota	Low	McClanahan	McNeil	Meadows
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schaaf	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 008

Bivins	Carter	Cooper	Jones 63	Kuessner
Nolte	Todd	Weter		

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2011** was read the third time and passed by the following vote:

AYES: 093

Allen	Ayres	Brandom	Brown 50	Brown 149
Bruns	Burlison	Colona	Cooper	Corcoran
Cox	Cunningham	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Kratky	Lair	Largent
Leara	Liese	Lipke	Loehner	McDonald
McGhee	McNary	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 063

Atkins	Aull	Biermann	Bringer	Brown 30
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Conway	Curls	Davis	Englund	Ervin
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Kander
Kirkton	Komo	Kraus	Lampe	LeBlanc
LeVota	Low	McClanahan	McNeil	Meadows
Newman	Norr	Oxford	Pace	Quinn
Roorda	Scavuzzo	Schaaf	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 006

Bivins	Dethrow	Jones 63	Kuessner	Rucker
Weter				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

Speaker Richard assumed the Chair.

### SIGNING OF SENATE BILL

All other business of the House was suspended while **SS SB 928** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Speaker Pro Tem Pratt resumed the Chair.

### BILLS IN CONFERENCE

**CCR SCS HCS HB 2012**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2012** was adopted by the following vote:

AYES: 115

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 50	Brown 149	Bruns	Burlison
Carter	Casey	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Emery	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest

Harris	Hobbs	Holsman	Hoskins 80	Hoskins 121
Ice	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Lair	Lampe	Largent	Leara	LeBlanc
Lipke	Loehner	McClanahan	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Self	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wallace	Walsh	Wasson	Wells	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 040

Aull	Brown 30	Burnett	Calloway	Chappelle-Nadal
Colona	Conway	Davis	Dusenberger	Englund
Ervin	Fallert	Hodges	Hughes	Hummel
Kratky	Kraus	LeVota	Low	McDonald
Morris	Oxford	Pace	Pratt	Quinn
Rucker	Scavuzzo	Schaaf	Schoemehl	Shively
Skaggs	Spreng	Talboy	Todd	Walton Gray
Webb	Webber	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

Atkins	Jones 63	Kuessner	Liese	Roorda
Vogt	Weter			

VACANCIES: 001

On motion of Representative Ice, **CCS SCS HCS HB 2012** was read the third time and passed by the following vote:

AYES: 115

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 50	Brown 149	Burlison	Carter
Casey	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Emery	Faith	Fischer 107	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Ice
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	Loehner	McClanahan	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Riddle

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Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Schieffer	Schlottach	Schoeller
Schupp	Self	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wallace	Walsh	Wasson	Wells	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 038

Atkins	Aull	Brown 30	Burnett	Calloway
Chappelle-Nadal	Colona	Davis	Dusenberg	Englund
Ervin	Fallert	Hodges	Hummel	Kratky
Kraus	LeVota	Low	McDonald	Morris
Oxford	Pace	Pratt	Quinn	Scavuzzo
Schaaf	Schoemehl	Shively	Skaggs	Spreng
Talboy	Todd	Walton Gray	Webb	Webber
Whitehead	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Bruns	Flook	Hughes	Jones 63	Kuessner
Roorda	Scharnhorst	Vogt	Weter	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**CCR SCS HCS HB 2013**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2013** was adopted by the following vote:

AYES: 127

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Ice	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Lair	Lampe	Largent	Leara
LeBlanc	Liese	Lipke	Loehner	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander



Sater	Scavuzzo	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Webb	Wells	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 028

Bringer	Brown 30	Burnett	Davis	Englund
Ervin	Fallert	Hughes	Hummel	Kraus
LeVota	Low	McClanahan	Newman	Oxford
Schaaf	Schoemehl	Schupp	Skaggs	Spreng
Swinger	Talboy	Walton Gray	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 149	Funderburk	Jones 63	Kuessner	Roorda
Vogt	Weter			

VACANCIES: 001

On motion of Representative Icet, **CCS SCS HCS HB 2013** was read the third time and passed by the following vote:

AYES: 127

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Faith	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Shively
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Thomson	Tilley	Todd

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Tracy	Viebrock	Wallace	Walsh	Wasson
Webb	Wells	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 028

Bringer	Brown 30	Burnett	Davis	Englund
Ervin	Fallert	Hughes	Hummel	Kraus
LeVota	Low	McClanahan	Newman	Oxford
Schaaf	Schoemehl	Schupp	Skaggs	Spreng
Swinger	Talboy	Walton Gray	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 007

Jones 63	Kuessner	Nasheed	Roorda	Stevenson
Vogt	Weter			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### THIRD READING OF HOUSE BILLS

**HCS HB 1400**, relating to the Business Premises Safety Act, was taken up by Representative Cox.

Representative Lipke assumed the Chair.

On motion of Representative Cox, **HCS HB 1400** was read the third time and passed by the following vote:

AYES: 113

Allen	Aull	Ayes	Biermann	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Carter	Casey	Conway	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Frame
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kraus	Lair
Lampe	Largent	Leara	Lipke	Loehner
McClanahan	McNary	Meadows	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Stevenson

Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 040

Atkins	Bringer	Brown 50	Burnett	Calloway
Chappelle-Nadal	Colona	Curls	Dougherty	Englund
Grill	Hoskins 80	Hughes	Hummel	Kander
Kelly	Kirkton	Kratky	LeBlanc	LeVota
Low	McDonald	McNeil	Morris	Newman
Oxford	Pace	Schoemehl	Schupp	Skaggs
Spreng	Still	Talboy	Walsh	Walton Gray
Webb	Webber	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 009

Flook	Jones 63	Kuessner	Liese	McGhee
Meiners	Smith 150	Vogt	Weter	

VACANCIES: 001

Representative Lipke declared the bill passed.

**HCS HB 2201**, relating to residential mortgage professionals, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HB 2201** was read the third time and passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Iceet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander

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Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 004

Bringer	Burnett	Hughes	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 011

Cooper	Funderburk	Jones 63	Kuessner	Low
McGhee	Meiners	Spreng	Viebrock	Vogt
Weter				

VACANCIES: 001

Representative Lipke declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Wallace	Walsh	Walton Gray

Wasson	Webb	Webber	Wells	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Zerr
Zimmerman	Mr Speaker			

NOES: 004

Bringer	Burnett	Skaggs	Yaeger
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PRESENT: 000

ABSENT WITH LEAVE: 011

Flook	Jones 63	Kuessner	Leara	McGhee
Meiners	Salva	Spreng	Viebrock	Vogt
Weter				

VACANCIES: 001

**HCS HBs 1521 & 1302**, relating to the Amber Alert and Silver Alert Systems, was taken up by Representative Nance.

On motion of Representative Nance, **HCS HBs 1521 & 1302** was read the third time and passed by the following vote:

AYES: 154

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh

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Walton Gray	Wasson	Webb	Webber	Wells
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Jones 63	Kuessner	LeVota	McGhee	Meiners
Spreng	Vogt	Weter		

VACANCIES: 001

Representative Lipke declared the bill passed.

**HB 2245**, relating to school funding, was taken up by Representative Bivins.

On motion of Representative Bivins, **HB 2245** was read the third time and passed by the following vote:

AYES: 082

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 149	Burlison	Cooper
Cox	Cunningham	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Emery	Englund	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Gatschenberger	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Komo	Lair	Largent	Leara	Loehner
McDonald	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Parkinson	Parson	Pollock
Riddle	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Schlottach	Schoeller	Schoemehl
Self	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Viebrock	Wallace
Wasson	Wells	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 067

Bringer	Brown 30	Brown 50	Burnett	Carter
Casey	Chappelle-Nadal	Conway	Corcoran	Curls
Day	Dixon	Dusenberg	Fallert	Fischer 107
Frame	Grill	Grisamore	Harris	Hodges
Hoskins 80	Hughes	Hummel	Kander	Kelly
Kirkton	Kratky	Kraus	Lampe	LeVota
Liese	Lipke	Low	McClanahan	McNeil
Morris	Nasheed	Newman	Nolte	Norr
Oxford	Pace	Pratt	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Schupp	Shively
Silvey	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Tracy	Walsh

Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 001

Calloway

ABSENT WITH LEAVE: 012

Bruns	Colona	Funderburk	Jones 63	Kuessner
LeBlanc	Meadows	Meiners	Schaaf	Scharnhorst
Vogt	Weter			

VACANCIES: 001

Representative Lipke declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 080

Allen	Aull	Ayres	Biermann	Bivins
Brown 30	Brown 149	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Gatschenberger	Guernsey	Guest
Hobbs	Holsman	Hoskins 121	Iceet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Lair
Largent	Leara	Liese	Lipke	Loehner
McDonald	McGhee	McNary	Molendorp	Munzlinger
Nieves	Nolte	Parkinson	Parson	Pollock
Riddle	Ruestman	Ruzicka	Salva	Sander
Sater	Schad	Schlottach	Schoeller	Self
Smith 14	Stevenson	Stream	Sutherland	Thomson
Tilley	Viebrock	Wallace	Wasson	Wells
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 071

Atkins	Brandom	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dixon	Dusenberg
Englund	Fallert	Fischer 107	Frame	Grill
Grisamore	Harris	Hodges	Hoskins 80	Hughes
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kraus	Lampe	LeVota	Low
McClanahan	McNeil	Meadows	Morris	Nasheed
Newman	Norr	Oxford	Pace	Pratt
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 150	Spreng	Still	Storch	Swinger
Talboy	Todd	Tracy	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 011

Bruns	Funderburk	Jones 63	Kuessner	LeBlanc
Meiners	Nance	Schaaf	Scharnhorst	Vogt
Weter				

VACANCIES: 001

### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 2136** - Conservation and Natural Resources

### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 55** - Agri-Business

**SCR 56** - Agri-Business

### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 63** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SB 971**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Transportation**, Chairman Dixon reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HCR 67**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE CONCURRENT RESOLUTION NO. 67

WHEREAS, bicycling and walking are essential to millions of Missourians as basic transportation and enjoyed by millions of Missourians as healthful recreation; and

WHEREAS, encouraging and promoting a complete network of safe bicycle and pedestrian ways and routes is essential for those Missourians who rely on bicycling and walking for transportation; and



WHEREAS, a safe and complete bicycle and pedestrian system is important for Missouri's economy and economic development; and

WHEREAS, incorporating bicycle and pedestrian accommodations as a routine part of Missouri's road and street network is the most cost-effective way to make opportunities for safe walking and bicycling available to all Missourians and to enable those who bicycle and walk to reach all needed destinations; and

WHEREAS, walking and bicycling improve the public health and reduce treatment costs for conditions associated with reduced physical activity, including obesity, heart disease, lung disease, and diabetes; and

WHEREAS, the United Health Foundation estimates direct medical costs associated with physical inactivity in Missouri at \$1.9 billion in 2008, and projects an annual cost for Missouri of over \$8 billion per year by 2018 if current trends continue; and

WHEREAS, the annual per capita cost of obesity is \$450 per Missourian, the highest per capita cost of any state in the United States; and

WHEREAS, designing our communities, our neighborhoods, our commercial centers, and our employment centers to be safe and inviting for bicycling and walking is a proven and recommended solution for increasing citizens' physical activity levels, improving physical fitness, reducing obesity, improving overall health, and so reducing health care and economic costs related to obesity and poor physical fitness; and

WHEREAS, promoting bicycling and walking for transportation improves Missouri's environment, reduces congestion, reduces the need for expensive expansion of our road and highway systems, and reduces our dependence on foreign energy supplies; and

WHEREAS, creating communities that invite and encourage bicycling and walking builds strong neighborhoods and encourages healthy, stable, safe, and livable communities; and

WHEREAS, creating healthy, walkable, bicyclable, and livable communities helps keep Missouri competitive in the global competition for high quality businesses and motivated, creative workers who consider transportation and recreation options an essential part of a healthy community; and

WHEREAS, Missourians who reach retirement age choose more often to bicycle and walk for fitness, recreation, enjoyment, and transportation; and

WHEREAS, citizens with disabilities often rely on bicycling, walking, and transit to meet basic transportation needs and to make connections with the transit system, face great obstacles within our current transportation system, and benefit greatly from complete and well-designed accommodations for bicycling and walking; and

WHEREAS, all transit users depend on bicycling and walking for essential transportation, and young people who develop stamina and fitness through regular active transportation reap important benefits in their physical, social, emotional, and intellectual development; and

WHEREAS, the number of Missouri students who bicycle and walk to school has dropped dramatically over the past forty years, with 50% of students bicycling or walking in 1975 but only 15% in 2005. In the same period, the percentage of children clinically defined as overweight has increased from 8% to 25%; and

WHEREAS, not only the health and physical fitness but also the mental health and overall independence and maturity of school-age children has suffered as a result of fewer children bicycling and walking regularly, and the conditions of our roads, streets, sidewalks, and intersections in failing to provide safe accommodations for bicycling and walking is in large part responsible for this change; and

WHEREAS, a lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children, and being able to bicycle or walk to school offers an opportunity to build healthy activity into the daily routine; and

WHEREAS, the Institute of Medicine reports that increasing opportunities for regular physical activity and supporting the efforts of families to incorporate physical activity into their lives are important strategies for reversing the childhood obesity epidemic; and

WHEREAS, 20-25% of morning rush hour traffic is attributable to parents driving their children to school; and

WHEREAS, over fifty Missouri organizations, agencies, schools, officials, and individuals have joined together to form the Missouri Safe Routes to School Network to encourage more children to safely bicycle and walk to school and to make streets, sidewalks, and communities safer and more inviting to children and families to bicycle and walk; and

WHEREAS, the usual and customary users of Missouri's roads, highways, and bridges include pedestrians, bicyclists, and transit passengers of all ages and abilities, as well as drivers and passengers of trucks, buses, and automobiles; and

WHEREAS, the term "Complete Streets" means creating roads, streets, and communities where all road users can feel safe, secure, and welcome on our roads and streets and throughout our communities; and

WHEREAS, the principles of Complete Streets are designed to create a transportation network that meets the needs of all users of the state's transportation system: pedestrians of all ages and abilities, bicyclists, disabled persons, public transportation vehicles and patrons, and those who travel in trucks, buses, and automobiles; and

WHEREAS, the terms "livable streets" and "comprehensive street design" are also used to identify these same concepts; and

WHEREAS, coordination and cooperation among many different agencies and municipalities is required to fully implement Complete Streets and create a complete, connected, and safe transportation network for bicycling and walking; and

WHEREAS, Complete Streets' policies require transportation planners and engineers to engage with a wide range of communities and stakeholders, build projects that meet the needs of all users of our transportation system, and design roads and bridges that complement and complete our communities and the human environment; and

WHEREAS, Complete Streets' policies enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods in rural, urban, and suburban areas; and

WHEREAS, Complete Streets' policies develop safe, reliable, and economic transportation choices to decrease household transportation costs, improve air quality, and promote public health; and

WHEREAS, Complete Streets policies are those that:

(1) Ensure that transportation projects provide for the needs of drivers, public transportation vehicles and patrons, bicyclists, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products;

(2) Provide for safety and contiguous routes for all road users;

(3) Ensure that bicycle ways and pedestrian ways, including sidewalks, crosswalks, paths, bicycle lanes, shoulders, shared use lanes, and all other facilities necessary for safe accommodation of bicycling and walking, shall be given full consideration in the planning, development, construction, and maintenance of transportation facilities;

(4) Reaffirm that pedestrians, disabled persons, bicyclists, users of public transit, and other nonmotorized users of public roadways are among the customary users of public roads and highways, except where specifically prohibited by law or regulation;

(5) Encourage the cooperation and coordination among agencies and municipalities to create safe, complete, integrated, and seamless system of routes for these users across borders and jurisdictions;

(6) Support routine and appropriate accommodation for bicyclists, pedestrians, disabled persons, and transit users on all transportation projects, as appropriate to the context, community, and project use, except:

(a) Where bicycling and walking are not allowed;

(b) Where sparsity of population or other factors indicate an absence of any need for such accommodations now or in the future;

(c) Where the cost of establishing such accommodations would be excessively disproportionate to the need or probable use:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare our support for Complete Streets policies and urge their adoption at the local, metropolitan, regional, state, and national levels; and

BE IT FURTHER RESOLVED that the General Assembly encourages and urges the United States Department of Transportation, the Missouri Department of Transportation, the governing bodies of metropolitan planning organizations and regional planning commissions, municipalities, and other organizations and agencies that build, control, maintain, or fund roads, highways, and bridges in Missouri to adopt Complete Streets' policies and to plan, design, build, and maintain their road and street system to provide complete, safe access to all road users; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon; Ray LaHood, Secretary of the United States Department of Transportation; members of the Missouri Highways and Transportation Commission; Pete Rahn, Director of the Missouri Department of Transportation; the directors of each metropolitan planning agency and regional planning commission in the State of Missouri; and to the Missouri Municipal League.

Mr. Speaker: Your Committee on Transportation, to which was referred **SCR 51**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 716**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **SCS SBs 812, 752 & 909**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HB 1268**, entitled:

An act to repeal section 9.010, RSMo, and to enact in lieu thereof nine new sections relating to public holidays, with an emergency clause for a certain section.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute No. 2 for House Bill No. 1268, Page 3, Section 9.170, Line 25, by inserting immediately after said line the following:

**"9.172. The first week of November of each year shall be known as "RSV Awareness Week", and the general assembly recommends to the people of this state that the week be appropriately observed so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as programs to raise awareness about the causes of, symptoms of, and ways of preventing respiratory syncytial virus (RSV)."; and**

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 1442**, entitled:

An act to repeal sections 67.1000, 67.1360, 67.1361, 67.2000, 70.220, 94.510, 94.577, and 144.030, RSMo, and to enact in lieu thereof twelve new sections relating to taxes, with an emergency clause for a certain section.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1442, Page 3, Section 67.1000, Line 19 of said page, by inserting after all of said line the following:

**"67.1018. 1. The governing body of any county of the third classification without a township form of government and with more than five thousand nine hundred but fewer than six thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and fifty percent of the proceeds of such tax shall be used by the county to fund law enforcement with the remaining fifty percent of such proceeds to be used to fund the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.**

**2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

Shall ..... (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the benefit of the county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question."; and

Further amend said bill, Page 37, Section 94.832, Line 4 of said page, by striking "one-half of one" and inserting in lieu thereof the following: **"five"**; and

Further amend said bill, Page 39, Section 94.832, Line 8 of said page, by inserting immediately after said line the following:

**"94.840. 1. The governing body of any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion, operation, and development of tourism and convention facilities. Such tax shall be stated separately from all other charges and taxes.**

**2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of .... (insert rate of percent) percent for the purpose of the promotion, operation, and development of tourism and convention facilities?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

**3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.**

94.900. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants, **or any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, or any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants** is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of ..... (city's name) impose a citywide sales tax of ..... (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

94.902. 1. The governing body of any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants, or any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants, **or any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants**, may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144, RSMo. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:  
Shall the city of ..... (city's name) impose a citywide sales tax at a rate of ..... (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087, RSMo. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of .....  
(insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city

a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

**94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than three percent per occupied room per night, and shall be imposed solely for the purpose of funding the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.**

**5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.**

**6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.**

**137.1040. 1. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, or the governing body of any city, town, or village, in their discretion may levy an additional tax, not to exceed one quarter of one cent on each one hundred dollars assessed valuation, on all taxable real property located within such city, town, village, or county, all of such tax to be collected and allocated to the city, town, village, or county treasury, where it shall be known and designated as the "Cemetery Maintenance Trust Fund" to be used for the upkeep and maintenance of cemeteries located within such city, town, village, or county.**



2. To the extent necessary to comply with article X, section 22(a) of the Missouri Constitution, for any city, town, village, or county with a tax levy at or above the limitations provided under article X, section 11(b), no ordinance adopted under this section shall become effective unless the county commission or proper administrative body of the county, or governing body of the city, town, or village submits to the voters of the city, town, village, or county at a state general, primary, or special election a proposal to authorize the imposition of a tax under this section. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city, town, village, or county. Such tax shall be in addition to all other taxes imposed on real property, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the county commission or proper administrative body of the county or governing body of the city, town, or village, by order or ordinance, submits to the voters of the county a proposal to authorize the city, town, village, or county to impose a tax under this section on any day available for such city, town, village, or county to hold elections or at a special election called for that purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city, town, village, or county) impose a tax on all real property situated in ..... (name of the city, town, village, or county) at a rate of ..... (insert rate not to exceed one quarter of one cent per one hundred dollars assessed valuation) for the sole purpose of providing funds for the maintenance, upkeep, and preservation of city, town, village, or county cemeteries?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the city, town, village, or county collector. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. The tax imposed under this section shall be known as the "Cemetery Maintenance Tax". Each city, town, village, or county imposing a tax under this section shall establish separate trust funds to be known as the "Cemetery Maintenance Trust Fund". The city, town, village, or county treasurer shall deposit the revenue derived from the tax imposed under this section for cemetery purposes in the city, town, village, or county cemetery maintenance trust fund. The proceeds of such tax shall be appropriated by the county commission or appropriate administrative body, or the governing body of the city, town, or village exclusively for the maintenance, upkeep, and preservation of cemeteries located within the jurisdiction of such commission or body.

5. All applicable provisions in this chapter relating to property tax shall apply to the collection of any tax imposed under this section."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1442, Page 39, Section 94.832, Line 8 of said page, by inserting after all of said line the following:

"138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] 4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] 6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HCS HB 2002**, and has taken up and passed **CCS SS SCS HCS HB 2002**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HCS HB 2003**, and has taken up and passed **CCS SS SCS HCS HB 2003**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2004**, and has taken up and passed **CCS SCS HCS HB 2004**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2005**, and has taken up and passed **CCS SCS HCS HB 2005**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2006**, and has taken up and passed **CCS SCS HCS HB 2006**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2007**, and has taken up and passed **CCS SCS HCS HB 2007**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2008**, and has taken up and passed **CCS SCS HCS HB 2008**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2009**, and has taken up and passed **CCS SCS HCS HB 2009**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2010**, and has taken up and passed **CCS SCS HCS HB 2010**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2011**, and has taken up and passed **CCS SCS HCS HB 2011**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2012**, and has taken up and passed **CCS SCS HCS HB 2012**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2013**, and has taken up and passed **CCS SCS HCS HB 2013**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 1007**, entitled:

An act to repeal sections 208.010, 208.215, 208.453, 208.895, 208.909, 208.918, and 660.300, RSMo, and to enact in lieu thereof nine new sections relating to public assistance programs administered by the state, with penalty provisions for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1026**, entitled:

An act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to the denial of unemployment benefits.

In which the concurrence of the House is respectfully requested.

## COMMUNICATION

April 29, 2010

Mr. D. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306C  
Jefferson City, MO 65101

RE: Possible Personal Interest in Legislation

Dear Chief Clerk Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a written letter of a possible interest in legislation that may be voted on during this legislative session.

As an employee on the sales side of Mount Pleasant Winery, I deal with the selling of a variety of wines from Missouri from a local winery named Mount Pleasant Winery. One of the main requirements of my job is the selling and tasting of wines from Mount Pleasant Winery. Possible wine tasting language could impact certain aspects of my employment that could come to the Missouri House of Representatives.

In compliance with Section 105.461, RSMo, please publish this letter in the Missouri House of Representatives Journal. If you have any questions, please call my office and I will be more than happy to answer them for you. Thank you for your time and help in this matter.

Respectfully yours,

/s/ Joe Smith  
Representative  
District 14

## RECESS

Representative Tilley moved that the House stand in recess until such time that the House appropriations bills are signed in open session by the Speaker or 5:00 p.m., whichever is earlier, and then stand adjourned until 10:00 a.m., Friday, April 30, 2010.

The hour of recess having expired, the House was called to order by Speaker Richard.

## SIGNING OF HOUSE BILLS

All other business of the House was suspended while **SCS HCS HB 2001, CCS SS SCS HCS HB 2002, CCS SS SCS HCS HB 2003, CCS SCS HCS HB 2004, CCS SCS HCS HB 2005, CCS SCS HCS HB 2006, CCS SCS HCS HB 2007, CCS SCS HCS HB 2008, CCS SCS HCS HB 2009, CCS SCS HCS HB 2010, CCS SCS HCS HB 2011, CCS SCS HCS HB 2012 and CCS SCS HCS HB 2013** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

## ADJOURNMENT

On motion of Speaker Richard, the House adjourned until 10:00 a.m., Friday, April 30, 2010.

## **CORRECTION TO THE HOUSE JOURNAL**

### **AFFIDAVIT**

I, State Representative Scott Lipke, District 157, hereby state and affirm that my vote as recorded on Page 1155 of the Journal of the House for Wednesday, April 28, 2010 by which Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2009 was read the third time and passed as absent with leave was incorrectly recorded. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 29th day of April 2010.

/s/ Scott Lipke  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 29th day of April in the year 2010.

/s/ Patricia W. Parris  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, May 4, 2010, 8:30 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: SCR 55

### **AGRICULTURE POLICY**

Monday, May 3, 2010, 3:30 p.m. Hearing Room 4.  
Executive session.

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Monday, May 3, 2010, 2:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HCS SCS SB 778

### **ELECTIONS**

Tuesday, May 4, 2010, 8:30 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SB 581

### **ENERGY AND ENVIRONMENT**

Tuesday, May 4, 2010, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 2350, SCR 56

FISCAL REVIEW

Tuesday, May 4, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Wednesday, May 5, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, May 6, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HIGHER EDUCATION

Tuesday, May 4, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: SCR 31, SS SJR 44, SS#3 SCS SJR 45

JUDICIARY

Monday, May 3, 2010, 2:30 p.m. Hearing Room 1.

Executive session.

RETIREMENT

Tuesday, May 4, 2010, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1715, SS SB 714

RULES - PURSUANT TO RULE 25(32)(f)

Monday, May 3, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, May 4, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, May 5, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, May 4, 2010, Hearing Room 4 upon morning recess.

Executive session may be held.

Public hearing to be held on: SS SCS SB 793, SB 860

**WAYS AND MEANS**

Monday, May 3, 2010, House Chamber south gallery upon afternoon adjournment.

Executive session. CORRECTED

**HOUSE CALENDAR**

SIXTY-SECOND DAY, FRIDAY, APRIL 30, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE BILLS FOR SECOND READING**

- 1 SS SB 1007
- 2 SB 1026

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 649 - Brandom
- 2 SB 758 - Leara
- 3 SCS SB 772 - Cunningham
- 4 HCS SB 851 - Parson
- 5 HCS SCS SB 942 - Dieckhaus

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 733, E.C. - Kingery
- 2 HCS SCS SB 754 - Wasson
- 3 HCS SB 987 - Hobbs
- 4 SS SB 578 - Flook
- 5 HCS SS SCS SBs 586 & 617 - Emery
- 6 SCS SB 630 - Jones (117)
- 7 SCS SB 644 - Conway
- 8 SB 771 - Wilson (119)



- 9 HCS SCS SB 774 - Riddle
- 10 HCS SCS SBs 842, 799 & 809 - Stream
- 11 HCS SB 795 - Loehner
- 12 HCS SS SCS SB 605, E.C. - Stevenson
- 13 HCS SB 739 - Pratt
- 14 HCS SCS SB 777 - Jones (89)
- 15 HCS SB 791, E.C. - Emery

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 SCS HCS HB 2297, as amended - Molendorp
- 10 HCS HB 1977, SA1, SA2 - Wasson
- 11 SS SCS HB 2317, as amended, E.C. - Tracy
- 12 SCS HB 1392 - Kirkton
- 13 SCS HB 1892 - Nasheed
- 14 SS HCS HB 1848 - Holsman
- 15 SCS HCS HB 1903, E.C. - Icet
- 16 SS#2 HB 1268, as amended, E.C. - Meiners
- 17 SS SCS HB 1442, as amended, E.C. - Jones (89)

#### **SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

#### **HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- 1 HB 2116 - Still
- 2 HCS HB 2300 - Wilson (130)

#### **SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

---

SIXTY-SECOND DAY, FRIDAY, APRIL 30, 2010

The House met pursuant to adjournment.

Representative Deeken in the Chair.

Prayer by Kenny Ross, Legislative Coordinator, Office of the Speaker.

Our Father Who art in Heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil.

For Thine is the kingdom, the power, and the glory, forever and ever, Amen.

The Pledge of Allegiance to the flag was recited.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2825 through House Resolution No. 2831

## SECOND READING OF SENATE BILLS

**SS SB 1007** and **SB 1026** were read the second time.

## REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

**HR 2780** - Rules

## REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

**SS SB 1007** - Health Care Policy

The following members' presence was noted: Brown (30), Day, Frame, Grisamore, Guernsey, Guest, Hummel, Kander, Kraus, LeVota, Roorda, Ruzicka, Schupp, Smith (14), Spreng, Sutherland and Webber.

## **ADJOURNMENT**

On motion of Representative Deeken, the House adjourned until 4:00 p.m., Monday, May 3, 2010.

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, May 4, 2010, 8:30 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: SCR 55

### **AGRICULTURE POLICY**

Monday, May 3, 2010, 3:30 p.m. Hearing Room 4.

Executive session.

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Monday, May 3, 2010, 2:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HCS SCS SB 778

### **ELECTIONS**

Tuesday, May 4, 2010, 8:30 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: SB 581

### **ENERGY AND ENVIRONMENT**

Tuesday, May 4, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2350, SCR 56

### **FISCAL REVIEW**

Tuesday, May 4, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### **FISCAL REVIEW**

Wednesday, May 5, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

### **FISCAL REVIEW**

Thursday, May 6, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HIGHER EDUCATION

Tuesday, May 4, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: SCR 31, SS SJR 44, SS#3 SCS SJR 45

JUDICIARY

Monday, May 3, 2010, 2:30 p.m. Hearing Room 1.

Executive session.

RETIREMENT

Tuesday, May 4, 2010, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1715, SS SB 714

RULES - PURSUANT TO RULE 25(32)(f)

Monday, May 3, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, May 4, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, May 5, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, May 4, 2010, Hearing Room 4 upon morning recess.

Executive session may be held.

Public hearing to be held on: SS SCS SB 793, SB 860

WAYS AND MEANS

Monday, May 3, 2010, House Chamber south gallery upon afternoon adjournment.

Executive session. CORRECTED

## **HOUSE CALENDAR**

SIXTY-THIRD DAY, MONDAY, MAY 3, 2010

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

### **HOUSE BILLS FOR PERFECTION**

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HB 1625 - Nance

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HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

**SENATE BILLS FOR THIRD READING - CONSENT**

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- 5 HCS SS SCS SBs 586 & 617 - Emery
- 6 SCS SB 630 - Jones (117)
- 7 SCS SB 644 - Conway
- 8 SB 771 - Wilson (119)
- 9 HCS SCS SB 774 - Riddle
- 10 HCS SCS SBs 842, 799 & 809 - Stream
- 11 HCS SB 795 - Loehner
- 12 HCS SS SCS SB 605, E.C. - Stevenson
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**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
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- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- 1 HB 2116 - Still
- 2 HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

---

SIXTY-THIRD DAY, MONDAY, MAY 3, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

You, LORD, are our strength, our rock, our fortress and our deliverer; our God, our strength, in Whom we trust; our shield and our salvation. We call upon You, not only in times of crisis, but in tranquility, for You, alone are worthy to be praised.

Lord God, fill our minds with right and honest thoughts today. Fill our mouths with words of Your wisdom. Help us to say and do what is right in Your sight. Keep us from illogical ways that only encourage dissension and confusion.

Help us to deal truthfully and accurately in everything we do today. No matter what the circumstances, help us keep our promises and our word. Lead us in the way of righteousness and truth. Guide us in paths of knowledge and discernment.

Now to Him Who is able to keep us from stumbling, and to present us faultless before the presence of His glory with exceeding joy, to God our Savior, Who alone is wise, be glory and majesty, dominion and power, both now and forever.

In the name of Your Son, I pray. Amen.

*(Partially excerpted Proverb Prayers - by John Mason)*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mason Garner, Malachi Gunnels, Jordan Hughes, Ravae Ieppert, Kaitlin Jannin, Ashley Kleindienst, Chad Maupin, Kimberly Sandy, Aren Schleiermacher, Alex Segerson, William Snell, Shawn Buck, Alex Cowan, Madison Diehl, Stephen Durigano, Marguis Folbre, Joshua Hudson, Alexa Jones, Aris Lamont, Kallie Lehenbauer, Trevor McDowell, Jonathan Kruse, Jonathan Wagner, Nathaniel Eloja, Alexis Young, Tyler Nitcher, Dylan Pace, Reyna Schmauch, Corky Schimming, Abbrah Walters, Michael Ziese, Sam Althiser, Carly Baumhoer, Allison Blansett and Hannah Calvert.

The Journal of the sixty-first day was approved as corrected.

The Journal of the sixty-second day was approved as corrected.



## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2832 through House Resolution No 2898.

## HOUSE BILL WITH SENATE AMENDMENTS

**SS SCS HB 1442, as amended**, relating to local taxes, was taken up by Representative Jones (89).

Representative Jones (89) moved that the House refuse to adopt **SS SCS HB 1442, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

## THIRD READING OF SENATE BILLS - CONSENT

**SB 649**, relating to Girl Scout Day, was taken up by Representative Brandom.

On motion of Representative Brandom, **SB 649** was truly agreed to and finally passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray

Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Yaeger	Zerr
Mr Speaker				

NOES: 004

Colona	Schad	Skaggs	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Diehl	Dixon	Funderburk	Grisamore
Hughes	Molendorp	Riddle	Salva	Vogt
Webb	Wright			

VACANCIES: 001

Speaker Richard declared the bill passed.

**SB 758**, relating to bi-state development agency bonds, was taken up by Representative Leara.

On motion of Representative Leara, **SB 758** was truly agreed to and finally passed by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dougherty	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Gatschenberger	Grill	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace

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Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 012

Brown 30	Davis	Dethrow	Dugger	Dusenberg
Emery	Ervin	Koenig	Kraus	Lipke
Self	Skaggs			

PRESENT: 001

Jones 63

ABSENT WITH LEAVE: 009

Calloway	Cooper	Dixon	Funderburk	Grisamore
Hughes	Molendorp	Sutherland	Webb	

VACANCIES: 001

Speaker Richard declared the bill passed.

**SCS SB 772**, relating to the Missouri Higher Education Savings Program, was taken up by Representative Cunningham.

On motion of Representative Cunningham, **SCS SB 772** was truly agreed to and finally passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger

Talboy	Thomson	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Bruns	Calloway	Cooper	Dixon	Funderburk
Grisamore	Hobbs	Hughes	Kelly	Loehner
Molendorp	Parkinson	Schlottach	Tilley	Webb

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS SB 851**, relating to public meeting notices, was taken up by Representative Parson.

On motion of Representative Parson, **HCS SB 851** was read the third time and passed by the following vote:

AYES: 139

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Vogt	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

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NOES: 013

Bringer	Burnett	Hodges	Kirkton	Newman
Pace	Skaggs	Swinger	Talboy	Todd
Walton Gray	Whitehead	Witte		

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Dixon	Funderburk	Grisamore	Hughes
Jones 89	Largent	McClanahan	Molendorp	Webb

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS SCS SB 942**, relating to municipal annexation, was taken up by Representative Dieckhaus.

On motion of Representative Dieckhaus, **HCS SCS SB 942** was read the third time and passed by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson

Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Calloway	Cooper	Dixon	Funderburk	Grisamore
Hughes	Molendorp	Ruestman	Schlottach	Webb

VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt assumed the Chair.

### THIRD READING OF SENATE BILLS

**SS SB 578**, relating to port authorities, was taken up by Representative Flook.

On motion of Representative Flook, **SS SB 578** was truly agreed to and finally passed by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dougherty
Dugger	Dusenberg	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Gatschenberger	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Komo	Kratky	Kraus	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Speng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson

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Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 007

Bringer	Davis	Ervin	Kirkton	Kuessner
Skaggs	Zimmerman			

PRESENT: 001

Grill

ABSENT WITH LEAVE: 008

Calloway	Dixon	Funderburk	Grisamore	Hughes
Molendorp	Sander	Webb		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS SB 987**, relating to higher education research, was taken up by Representative Hobbs.

Representative Hobbs offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 987, Page 2, Section 173.1205, Line 29, by inserting immediately after all of said line the following:

“Section B. Because immediate action is necessary to protect the intellectual property of the state’s higher education institutions while permitting its timely development through technology transfer, the enactment of section 173.1205 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.1205 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hobbs, **House Amendment No. 1** was adopted.

Representative Schupp offered **House Amendment No. 2**.

Representative Stevenson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Sander offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 987, Page 1, Section 172.794, Line 13, by inserting after the word “Missouri” the following words “**and shall be subject to the provisions of section 196.1127**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sander, **House Amendment No. 3** was adopted by the following vote:

AYES: 077

Allen	Ayres	Biermann	Brandom	Bringer
Brown 30	Brown 149	Burlison	Burnett	Casey
Cooper	Cox	Davis	Denison	Dethrow
Dieckhaus	Diehl	Dugger	Dusenberg	Emery
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Franz	Gatschenberger	Grisamore	Harris
Hodges	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Koenig	Kraus	Kuessner	Lair
Largent	Leara	Liese	Loehner	McGhee
Meadows	Nasheed	Nieves	Parkinson	Pollock
Pratt	Quinn	Riddle	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schad	Scharnhorst
Schieffer	Schoeller	Self	Shively	Skaggs
Smith 150	Stevenson	Stream	Sutherland	Swinger
Tracy	Viebrock	Wells	Wilson 119	Wright
Yaeger	Zerr			

NOES: 072

Atkins	Aull	Bivins	Brown 50	Bruns
Carter	Chappelle-Nadal	Colona	Conway	Corcoran
Cunningham	Curls	Day	Deeken	Dougherty
Englund	Flook	Frame	Grill	Guernsey
Guest	Hobbs	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kingery	Kirkton
Komo	Kratky	Lampe	LeBlanc	LeVota
Lipke	Low	McClanahan	McDonald	McNary
McNeil	Meiners	Morris	Munzlinger	Nance
Newman	Nolte	Norr	Oxford	Pace
Rucker	Salva	Schaaf	Schlottach	Schupp
Silvey	Still	Storch	Talboy	Thomson
Tilley	Vogt	Wallace	Walton Gray	Wasson
Webber	Weter	Whitehead	Wilson 130	Witte
Zimmerman	Mr Speaker			

PRESENT: 002

Smith 14	Spreng
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ABSENT WITH LEAVE: 011

Calloway	Dixon	Funderburk	Hughes	Molendorp
Parson	Roorda	Schoemehl	Todd	Walsh
Webb				

VACANCIES: 001

Representative Colona offered **House Amendment No. 4**.

Representative Pollock raised a point of order that **House Amendment No. 4** was not timely distributed.

The Chair ruled the point of order well taken.

On motion of Representative Hobbs, **HCS SB 987, as amended**, was adopted.

On motion of Representative Hobbs, **HCS SB 987, as amended**, was read the third time and passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Shively	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 003

Burnett Low Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway Corcoran Dixon Funderburk Hughes  
Molendorp Schoemehl Self Webb

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 004

Burnett Low Skaggs Spreng

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway  
Schoemehl

Dixon  
Talboy

Funderburk  
Webb

Hughes

Molendorp

VACANCIES: 001

**SCS SB 630**, relating to manufactured homes, was taken up by Representative Jones (117).

Representative Jones (117) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 630, Page 40, Section 700.111, Line 268, by inserting after all of said line the following:

**"6. The provisions of this section shall become effective no later than March 1, 2011.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Jones (117), **House Amendment No. 1** was adopted.

Representative Jones (117) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 630, Page 35, Section 700.111, Line 79, by inserting after the word, **"application"** the words, **"in the form prescribed by the director"**; and

Further amend said bill, Page 52, Section 700.527, Lines 26 to 27, by deleting all of said lines and inserting in lieu thereof the word, **"rule]"**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (117), **House Amendment No. 2** was adopted.

Representative Cooper offered **House Amendment No. 3**.

Representative Jones (89) raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Jones (117), **SCS SB 630, as amended**, was read the third time and passed by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Lochner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoeller
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Bruns	Calloway	Cooper	Funderburk	Hughes
Kelly	Molendorp	Scharnhorst	Schoemehl	Spreng
Webb				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

## COMMITTEE REPORTS

### **Committee on Agriculture Policy**, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was returned **HCS SB 848**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 893**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SB 940**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 686**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 808**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 981**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Special Standing Committee on Children and Families**, Chairman Davis reporting:

Mr. Speaker: Your Special Standing Committee on Children and Families, to which was referred **HB 2384**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 1713**, entitled:

An act to repeal sections 376.427 and 376.816, RSMo, and to enact in lieu thereof two new sections relating to health insurance.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1831**, entitled:

An act to amend chapter 177, RSMo, by adding thereto one new section relating to real property donated to school districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 2147 & 2261**.

The following member's presence was noted: Calloway.

## ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, May 4, 2010.

## CORRECTIONS TO THE HOUSE JOURNALS

### AFFIDAVIT

I, State Representative Tim Meadows, District 101, hereby state and affirm that my vote as recorded on Page 1178 of the Journal of the House for Thursday, April 29, 2010 by which House Bill No. 2245 was read the third time and passed as absent with leave was incorrectly recorded. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, my vote was incorrectly recorded, and the correct vote should have been recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2010.

/s/ Tim Meadows  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 3rd day of May in the year 2010.

/s/ Patricia W. Parris  
Notary Public

Correct House Journal, Sixty-second day, Friday, April 30, 2010, Page 1197, Line 22, by inserting immediately after the name "Brown (30)", the name "Cunningham".

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, May 4, 2010, 8:30 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearing to be held on: SCR 55

### **ELECTIONS**

Tuesday, May 4, 2010, 8:30 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SB 581

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: SS SCS SB 734

### **ENERGY AND ENVIRONMENT**

Tuesday, May 4, 2010, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearing to be held on: HB 2350, SCR 56

### **FINANCIAL INSTITUTIONS**

Tuesday, May 4, 2010,  
House Chamber south gallery, upon afternoon adjournment or 5:00 p.m., whichever comes first.  
Executive session. AMENDED  
Public hearing to be held on: SB 753

### **FISCAL REVIEW**

Tuesday, May 4, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow. CANCELLED

### **FISCAL REVIEW**

Wednesday, May 5, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### **FISCAL REVIEW**

Thursday, May 6, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

#### HEALTH CARE POLICY

Wednesday, May 5, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.

Executive session may follow.

Public hearing to be held on: SS SB 1007

#### HIGHER EDUCATION

Tuesday, May 4, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: SCR 31, SS SJR 44, SS#3 SCS SJR 45

#### INSURANCE POLICY

Wednesday, May 5, 2010, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SB 900

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, May 4, 2010, 5:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SS SCS SB 625

#### JUDICIARY

Wednesday, May 5, 2010, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearing to be held on: SB 684

#### LOCAL GOVERNMENT

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearing to be held on: HB 1676, SCS SB 700

#### RETIREMENT

Tuesday, May 4, 2010, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 1715, SS SB 714

#### RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, May 4, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.

#### RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, May 5, 2010, Hearing Room 4 upon afternoon adjournment.

Any bills referred to committee.

Possible Executive session.



**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 693

**SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE**

Tuesday, May 4, 2010, Hearing Room 1 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SB 824

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, May 4, 2010, Hearing Room 4 upon morning recess.

Executive session may be held.

Public hearing to be held on: SS SCS SB 793, SB 860

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Tuesday, May 4, 2010, 12:00 p.m. Hearing Room 5.

Executive session.

**SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, May 5, 2010, 12:00 p.m. Hearing Room 4.

Executive session will be held on: SCS SB 616

**TAX REFORM**

Wednesday, May 5, 2010, 8:30 a.m. Hearing Room 5.

Executive session will be held.

Public hearing to be held on: SB 816

**HOUSE CALENDAR**

SIXTY-FOURTH DAY, TUESDAY, MAY 4, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJR 94 - Dethrow

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman

- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1625 - Nance

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

HB 1538 - Dusenberg

### **SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 733, E.C. - Kingery
- 2 HCS SCS SB 754 - Wasson
- 3 HCS SS SCS SBs 586 & 617 - Emery
- 4 SCS SB 644 - Conway
- 5 SB 771 - Wilson (119)
- 6 HCS SCS SB 774 - Riddle
- 7 HCS SCS SBs 842, 799 & 809 - Stream
- 8 HCS SB 795 - Loehner
- 9 HCS SS SCS SB 605, E.C. - Stevenson
- 10 HCS SB 739 - Pratt
- 11 HCS SCS SB 777 - Jones (89)
- 12 HCS SB 791, E.C. - Emery

### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 SCS HCS HB 2297, as amended - Molendorp
- 10 HCS HB 1977, SA1, SA2 - Wasson
- 11 SS SCS HB 2317, as amended, E.C. - Tracy
- 12 SCS HB 1392 - Kirkton
- 13 SCS HB 1892 - Nasheed
- 14 SS HCS HB 1848 - Holsman
- 15 SCS HCS HB 1903, E.C. - Icet
- 16 SS#2 HB 1268, as amended, E.C. - Meiners
- 17 SS HB 1713 - Sander
- 18 SCS HCS HB 1831 - Jones (117)

### **BILLS CARRYING REQUEST MESSAGES**

SS SCS HB 1442, as amended, (request Senate recede/grant conference), E.C. - Jones (89)

### **SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- 1 HB 2116 - Still
- 2 HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-FOURTH DAY, TUESDAY, MAY 4, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, You are Lord of all.

We pray for the gift of understanding as voices from all sides reach our ears. Help us to hear clearly all points of view. When one need is promoted, give us the wisdom to see its effects on other needs.

When time for making decisions comes, give us discernment to judge what is truly best for the people.

We pray in Your Holy Name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Mueller, Patrick O'Connor, Sarah Hummel, Madeline May Reardon, Katie Hazelton, Riley Sullivan, Harley Pyles, Jackson Reynolds and Danielle Lewis.

The Journal of the sixty-third day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2899 through House Resolution No. 3017

## MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 1442, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Nodler, Crowell, Griesheimer, Green and Callahan.

## THIRD READING OF SENATE BILL

**HCS SS SCS SB 605**, relating to county classifications and sales tax, was taken up by Representative Stevenson.

Representative Stevenson offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 10, Section 137.016, Line 77, by inserting after all of said line the following:

**“246.310. The provisions of section 262.802 shall not apply to any drainage district or levee district formed under the laws of this state.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stevenson, **House Amendment No. 1** was adopted.

Representative Stevenson offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

**“50.622. 1. Any county may amend the annual budget during any fiscal year in which:**

**(1) The county receives additional funds, and such amount or source, including but not limited to[,] federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; or**

**(2) The county experiences a verifiable decline in funds, and such amount or source, including but not limited to federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; provided that, any decrease in appropriations shall be allocated among the county departments, offices, institutions, commissions, and boards in a fair and equitable manner under all the circumstances, and shall not unduly affect any one department, office, institution, commission, or board.**

**2. Any decrease in an appropriation authorized under subdivision (2) of subsection 1 of this section shall not impact any dedicated fund otherwise provided by law.**

**3. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section.**

**4. The general assembly shall review subdivision (2) of subsection 1 of this section and subsection 2 of this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether such provisions are no longer applicable and should be repealed.**

**50.830. 1. Except as provided in subsection 2 of this section, following each quarter of the fiscal year, the county shall hold at least one public hearing to review the budget, including the records of the receipts and disbursements of every office of the county which receives or disburses money on behalf of the county. At least five days' notice of the hearing shall be given.**

**2. This section shall not apply to any county that reviews the county budget on a monthly basis.**

**3. The general assembly shall review this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether the section is no longer applicable and should be repealed.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS SS SCS SB 605, as amended, with House Amendment No. 2, pending, was laid over.**

Speaker Richard assumed the Chair.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like Committee from the Senate on the following bill:

**SS SCS HB 1442:** Representatives Jones (89), Schoeller, Day, Skaggs and Roorda

Speaker Pro Tem Pratt resumed the Chair.

## THIRD READING OF SENATE BILLS

**HCS SS SCS SB 605, as amended, with House Amendment No. 2, pending**, relating to county classifications and sales tax, was again taken up by Representative Stevenson.

On motion of Representative Stevenson, **House Amendment No. 2** was adopted.

Representative Jones (89) offered **House Amendment No. 3**.

### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Section 137.016, Page 10, Line 77, by inserting after all of said section, page, and line the following:

**“Section 1. All gratuities, whether mandatory or voluntary, provided in conjunction with the receipt of property or services regardless of whether such property or service may be subject to tax under the provisions of chapter 144, are specifically exempted from the provisions of local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (89), **House Amendment No. 3** was adopted.

Representative Day offered **House Amendment No. 4**.

### *House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 9, Section 137.016, Line 16, by inserting after the word, “Constitution”; the following:

**“. Agricultural and horticultural property shall also include any sawmill or planing mill that alters logs from their original form and defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC numbers 2421, 2426, or 2429"; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Sutherland offered **House Amendment No. 1 to House Amendment No. 4**.

*House Amendment No. 1*  
*to*  
*House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 7, by inserting after all of said line the following:

‘Further amend said bill, Page 9, Section 137.016, Lines 21-22, by deleting the words “[available] **which, when in use, are primarily used**” and inserting in lieu thereof the word “available”; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sutherland, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Day, **House Amendment No. 4, as amended**, was adopted.

Representative Bruns offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

“67.1000. 1. The governing body of any county or of any city which is the county seat of any county or which now or hereafter has a population of more than three thousand five hundred inhabitants and which has heretofore been authorized by the general assembly, or of any other city which has a population of more than eighteen thousand and less than forty-five thousand inhabitants located in a county of the first classification with a population over two hundred thousand adjacent to a county of the first classification with a population over nine hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than [five] **seven** percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. In any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, "transient guests", as used in this section and section 67.1002, means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Bruns, **House Amendment No. 5** was adopted.

Representative Brown (30) offered **House Amendment No. 6**.



*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

“49.272. 1. The county commission of any **of the following counties may impose a civil fine as provided in this section:**

(1) **Any** county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[, and in];

(2) Any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but [less] **fewer** than eighty-two thousand one hundred inhabitants[.];

(3) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants[.];

(4) Any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants[, and];

(5) Any county of the first classification with more than two hundred forty thousand three hundred but [less] **fewer** than two hundred forty thousand four hundred inhabitants[.];

(6) **Any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants.**

2. **Any county listed in subsection 1 of this section** which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor **or infraction** punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brown (30), **House Amendment No. 6** was adopted.

Representative Kirkton offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 10, Section 137.016, Line 77, by inserting after all of said line the following:

"137.243. 1. To determine the "projected tax liability" required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year's state assessed values, and the prior year's personal property values. On or before March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision's tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision's tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor's office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor's office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kirkton, **House Amendment No. 7** was adopted.

Representative Day offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 8, Section 94.577, Line 134, by inserting immediately after said line the following:

**"94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of economic development initiatives to include the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until**

the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Salva offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1  
to  
House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 5, by inserting before all of said line the following:

‘Further amend said bill, Page 8, Section 94.577, Line 134, by inserting after said line the following:

“94.834. 1. The governing body of **the following cities may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof as provided in this section:**

(1) Any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants[, the governing body of];

(2) Any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants[, and the governing body of];

(3) Any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants [may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which];

(4) **Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt.**

2. **Such tax** shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] 3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

[3.] 4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Salva, **House Amendment No. 1 to House Amendment No. 8** was adopted.

On motion of Representative Day, **House Amendment No. 8, as amended**, was adopted.

Representative Brown (30) offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

"50.1020. 1. The board may accept gifts, donations, grants and bequests from private or public sources to the county employees' retirement system fund.

2. No state moneys shall be used to fund sections 50.1000 to 50.1300.

3. In all counties, except counties [of the first classification] having a charter form of government and any city not within a county, the penalties provided in sections 137.280 and 137.345, RSMo, shall be deposited in the county employees' retirement fund. Any interest derived from the collection and investment of any part of the penalties shall also be credited to the county employees' retirement fund. All penalties and interest shall be transmitted to the board monthly by the county treasurer. The county assessor shall maintain a written or electronic log reflecting number of assessment notices sent, number of personal property lists that were not returned by the deadline established by law, number of penalties waived and the reason for waiving such penalty.

4. Other provisions of law to the contrary notwithstanding, pending final settlement of taxes collected by the county collector, the county collector shall deposit all money collected in interest-bearing deposits within twenty-four hours after the close of business each day collections are received, except on Fridays of each week or on days prior to a state or national holiday, in a financial institution and all interest or other gain on such deposits shall be paid to the county treasurer and shall be credited to the political subdivision for which the funds were collected.

5. Each county clerk **or a designee of the county clerk who is responsible for payroll and personnel records**, except in counties [of the first classification] having a charter form of government and any city not within a county, shall make the payroll deductions mandated pursuant to subsection 2 or 3 of section 50.1040, and the county treasurer shall transmit these moneys monthly to the board for deposit into the county employees' retirement fund.

6. Each county, except counties [of the first classification] with a charter form of government and any city not within a county, shall deposit in the county employees' retirement fund each payroll period ending after December 31, 2002, an amount equal to four percent of the compensation paid in such payroll period to each employee hired or rehired by that county on or after February 25, 2002. Such deposit shall be paid out of the county funds or, at the county's election, in whole or in part through payroll deduction as described in subsection 2 of section 50.1040. All amounts due pursuant to this subsection shall be transmitted by the county treasurer to the county employees' retirement fund immediately following the payroll period for which such amounts are due. Each county clerk **or other county official responsible for payroll and personnel records** shall maintain a written or electronic log reflecting the employees hired or rehired by such county on or after February 25, 2002, the amount of each such employee's compensation, and the dollar amount due each payroll period by the county pursuant to this subsection with respect to each such employee, and shall provide such log to the county employees' retirement fund immediately following the payroll period for which such amounts are due."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Franz offered **House Amendment No. 1 to House Amendment No. 9.**

*House Amendment No. 1  
to  
House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 8, by deleting the brackets around the words, “of the first classification”; and

Further amend said amendment, page, Line 24, by deleting the brackets around the words, “of the first classification”; and

Further amend said amendment, page, Line 28, by deleting the brackets around the words, “of the first classification”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franz, **House Amendment No. 1 to House Amendment No. 9** was adopted.

On motion of Representative Brown (30), **House Amendment No. 9, as amended**, was adopted.

Representative Denison offered **House Amendment No. 10.**

Representative Burnett raised a point of order that **House Amendment No. 10** was not timely distributed.

The Chair ruled the point of order well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller

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Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Diehl	Dusenberg	Hughes	Meadows
Rucker	Sander	Spreng		

VACANCIES: 001

On motion of Representative Stevenson, **HCS SS SCS SB 605, as amended**, was adopted.

On motion of Representative Stevenson, **HCS SS SCS SB 605, as amended**, was read the third time and passed by the following vote:

AYES: 124

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hummel	Icet	Jones 63	Jones 89	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Leara
Liese	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Pollock	Riddle	Roorda
Rucker	Ruzicka	Salva	Sater	Scavuzzo

Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoemehl	Schupp	Self	Shively	Skaggs
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Vogt
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 028

Burnett	Calloway	Cunningham	Davis	Ervin
Hoskins 80	Jones 117	Koenig	Kraus	Largent
LeBlanc	LeVota	Lipke	Loehner	Low
Nance	Oxford	Parson	Pratt	Quinn
Schoeller	Silvey	Smith 14	Smith 150	Talboy
Walton Gray	Wilson 119	Zimmerman		

PRESENT: 001

Tracy

ABSENT WITH LEAVE: 009

Carter	Dusenberg	Hoskins 121	Hughes	Meadows
Ruestman	Sander	Spreng	Viebrock	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 131

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Conway
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Oxford	Pace	Parkinson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt

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Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 021

Atkins	Burnett	Calloway	Colona	Davis
Ervin	Jones 117	Komo	LeVota	Lipke
Loehner	Low	Norr	Parson	Quinn
Schoeller	Silvey	Skaggs	Smith 14	Talboy
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 010

Carter	Cooper	Diehl	Dusenberg	Hughes
LeBlanc	Liese	Meadows	Sander	Spreng

VACANCIES: 001

**HCS SCS SB 733**, relating to higher education student assistance, was taken up by Representative Kingery.

Representative Nieves assumed the Chair.

Representative Hobbs offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, Page 1, in the Title, Line 3, by deleting the words “student financial assistance” ; and

Further amend said bill, Page 8, Section 173.1108, Line 11, by inserting after all of said line the following:

**“173.1205. 1. Notwithstanding any other provision of law, a for-profit or not-for-profit entity in which a public institution of higher education holds an ownership or membership interest shall not be deemed to be a public governmental body, quasi-public governmental body, or part of a public governmental body or quasi-public governmental body or otherwise subject to chapter 610, if such entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources, provided that the public institution of higher education maintains as an open record an annual report, available no later than October first each year, identifying:**

**(1) The name and address of the entity, the amount of funds paid to such entity by the institution, any nonmonetary benefits received by the entity from the institution, and the purpose for which such funds were paid or benefits provided;**

**(2) The amount of funds received by the institution from such entity; and**

**(3) Any employees of the institution who received funds or other things of value from such entity and the purpose and amount of such funds or other things of value.**

**2. This provision shall not be construed to broaden the definition of public governmental body found in section 610.010, nor shall it otherwise be construed to mean, imply, or suggest that any entity constitutes a public governmental body unless such entity meets the definition of that term found in section 610.010.**

**3. Notwithstanding any other provision of law, meetings, records, and votes may be closed to the extent that they relate to records or information submitted by an individual, corporation, or other business entity to a**



**public institution of higher education in connection with a proposal or agreement to license intellectual property or perform sponsored research, in connection with opportunities for or results of collaboration involving students, faculty, or staff, or in connection with activities by the public institution of higher education to promote or pursue economic development and which contain sales projections or other business plan, financial information, or trade secrets the disclosure of which may endanger the competitiveness of a business.”; and**

Further amend said bill and page, Section B, Line 1, by inserting after the letter “B.” the following: “1.”; and

Further amend said bill, page, and section, Line 7, by inserting after all of said line the following:

“2. Because immediate action is necessary to protect the intellectual property of the state’s higher education institutions while permitting its timely development through technology transfer, the enactment of section 173.1205 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.1205 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**On motion of Representative Hobbs, House Amendment No. 1 was adopted.**

**Representative Colona offered House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, Page 1, Section A, Line 3, by inserting after all of said line the following:

“37.005. 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the chief of the planning and construction division.

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36, RSMo, and the Omnibus State Reorganization Act of 1974.

4. The commissioner of administration shall replace the director of revenue as a member of the board of fund commissioners and assume all duties and responsibilities assigned to the director of revenue by sections 33.300 to 33.540, RSMo, relating to duties as a member of the board and matters relating to bonds and bond coupons.

5. All the powers, duties and functions of the administrative services section, section 33.580, RSMo, and others, are transferred by a type I transfer to the office of administration and the administrative services section is abolished.

6. The commissioner of administration shall, in addition to his or her other duties, cause to be prepared a comprehensive plan of the state's field operations, buildings owned or rented and the communications systems of state agencies. Such a plan shall place priority on improved availability of services throughout the state, consolidation of space occupancy and economy in operations.

7. The commissioner of administration shall from time to time examine the space needs of the agencies of state government and space available and shall, with the approval of the board of public buildings, assign and reassign space in property owned, leased or otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a

determination by the commissioner that all or part of any property is in excess of the needs of any state agency, the commissioner may lease such property to a private or government entity. Any revenue received from the lease of such property shall be deposited into the fund or funds from which moneys for rent, operations or purchase have been appropriated. The commissioner shall establish by rule the procedures for leasing excess property.

8. The commissioner of administration shall make the selection of a personnel director from the names of the three highest ranking available eligibles as provided in section 36.080, RSMo. The personnel advisory board, the personnel division and the personnel director in the office of administration shall retain the functions, duties and powers prescribed in chapter 36, RSMo. Members of the personnel advisory board shall be nominated by the commissioner of administration and appointed by the governor with the advice and consent of the senate.

9. The commissioner of administration is hereby authorized to coordinate and control the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP) in the executive branch of state government. For this purpose, the office of administration will have authority to:

(1) Develop and implement a long-range computer facilities plan for the use of EDP and ADP in Missouri state government. Such plan may cover, but is not limited to, operational standards, standards for the establishment, function and management of service centers, coordination of the data processing education, and planning standards for application development and implementation;

(2) Approve all additions and deletions of EDP and ADP hardware, software, and support services, and service centers;

(3) Establish standards for the development of annual data processing application plans for each of the service centers. These standards shall include review of post-implementation audits. These annual plans shall be on file in the office of administration and shall be the basis for equipment approval requests;

(4) Review of all state EDP and ADP applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for EDP and ADP hardware, software, and support service;

(6) Establish a charging system to be used by all service centers when performing work for any agency;

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers. The commissioner shall maintain a complete inventory of all state-owned or -leased EDP and ADP equipment, and annually submit a report to the general assembly which shall include starting and ending EDP and ADP costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

10. Except as provided in subsection 13 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement to any rural electric cooperative as [defined] **governed** in chapter 394, RSMo, municipal corporation, quasi-governmental corporation owning or operating a public utility, or a public utility, except railroads, as defined in chapter 386, RSMo. The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any rural electric cooperative, as defined in chapter 394, RSMo, municipal corporation, or quasi-governmental corporation owning or operating a public utility, or a public utility, except railroad, as defined in chapter 386, RSMo. The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of ingress or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386, RSMo, shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

11. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

12. All the powers, duties and functions of the department of community affairs relating to statewide planning are transferred by type I transfer to the office of administration.

13. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020, RSMo, on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, RSMo, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

14. Notwithstanding any provision of subsection 13 of this section to the contrary, the board of governors of Missouri Western State University, **University of Central Missouri** [State University], Missouri State University, or Missouri Southern State University; or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University; or the board of curators of Lincoln University may convey or otherwise transfer **for fair market value**, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly. The provisions of this subsection shall expire August 28, [2011] **2017**.

15. All county sports complex authorities, and any sports complex authority located in a city not within a county, in existence on August 13, 1986, and organized under the provisions of sections 64.920 to 64.950, RSMo, are assigned to the office of administration, but such authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

16. All powers, duties, and functions vested in the administrative hearing commission, sections 621.015 to 621.205, RSMo, and others, are transferred to the office of administration by a type III transfer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Colona moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Kingery, **HCS SCS SB 733, as amended**, was adopted.

On motion of Representative Kingery, **HCS SCS SB 733, as amended**, was read the third time and passed by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Decken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey

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Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parson	Pollock	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 010

Burnett	Davis	Dusenberg	Emery	Ervin
Kraus	LeVota	Parkinson	Self	Wallace

PRESENT: 000

ABSENT WITH LEAVE: 009

Bruns	Carter	Hughes	LeBlanc	Meadows
Pratt	Salva	Sander	Spreng	

VACANCIES: 001

Representative Nieves declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Ice
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners

Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 010

Burnett	Davis	Dusenberg	Emery	Ervin
Koenig	Kraus	LeVota	Parkinson	Self

PRESENT: 000

ABSENT WITH LEAVE: 009

Carter	Hughes	LeBlanc	Meadows	Pollock
Salva	Sander	Spreng	Walsh	

VACANCIES: 001

**SCS SB 644**, relating to transient guest taxes, was taken up by Representative Conway.

Representative Guest offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 644, Page 4, Section 67.1361, Line 61, by inserting after all of said line the following:

"67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. [Whenever not less than fifty owners of real property located within] **An exhibition center and recreational facility district may be created under this section in the following counties:**

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants[, or];

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants[, or];

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants[, or];

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants[, or];

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants[, or];

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants[, or];

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants[, or];

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants[, or];

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants[, or];

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants[.];

**(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;**

**(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;**

**(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;**

**(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.**

**3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section** desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

- (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and
- (3) The name of the proposed district.

[3.] **4.** Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

[4.] **5.** Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

- (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;
- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

[5.] **6.** Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

[6.] **7.** A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the ..... (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of ..... (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county that is part of the proposed district on the first day of the first calendar quarter immediately following the election. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

[7.] 8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

[8.] 9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

[9.] **10.** There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

[10.] **11.** The sales tax authorized by this section is in addition to all other sales taxes allowed by law. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

[11.] **12.** Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the ..... (name of district) extend the sales tax of one-fourth of one percent for a period of ..... (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[12.] **13.** Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district



abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[13.] **14.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Guest, **House Amendment No. 1** was adopted.

Representative Sutherland offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 644, Section 67.1000, Page 2, Line 48, by inserting after all of said section the following:

“67.1360. **1.** The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred ;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sutherland, **House Amendment No. 2** was adopted.

Representative Nance offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill No. 644, Section 67.1000, Page 2, Line 48, by inserting after all of said section the following:

“67.1003. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

(1) Any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county;

[(1)] (2) A county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants;

[(2) or] (3) A third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand;

[(3) or] (4) A county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand;

[(4) or] (5) Any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand;

[(5) or] (6) Any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants;

[(6) or] (7) Any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants;

**(8) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] **3.** Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

[3.] **4.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.**

[4.] **5.** As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nance, **House Amendment No. 3** was adopted.

On motion of Representative Conway, **SCS SB 644, as amended**, was read the third time and passed by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Dieckhaus	Diehl	Dougherty
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lair	Lampe
Leara	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Norr	Pace	Quinn	Riddle

Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 037

Brown 30	Burlison	Burnett	Corcoran	Davis
Denison	Dethrow	Dixon	Dugger	Dusenberg
Emery	Ervin	Flook	Frame	Franz
Funderburk	Guernsey	Jones 89	Koenig	Kraus
Largent	Low	McGhee	Nieves	Oxford
Parkinson	Parson	Pollock	Pratt	Schoeller
Silvey	Skaggs	Smith 14	Smith 150	Tracy
Wilson 119	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Hughes	LeBlanc	Meadows	Nolte
Spreng				

VACANCIES: 001

Representative Nieves declared the bill passed.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Richard.

### **THIRD READING OF SENATE BILLS**

**HCS SCS SB 754**, relating to professional registration, was taken up by Representative Wasson.

Representative Bivins offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 60, Section 327.411, Line 6, by deleting the word “**supervise**” and inserting in lieu thereof the words “**provide direct and immediate personal supervision, as defined by board rule, over**”; and

Further amend said bill, page and section, Line 8, by deleting all of said line and inserting in lieu thereof the following:

“documents sealed by such licensee.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Bivins, **House Amendment No. 1** was adopted.

Representative Storch offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 383.133, Page 125, Line 31, by inserting after all of said section and line the following:

**“630.575. 1. There is hereby established within the department of mental health the "Missouri Eating Disorder Council" which shall consist of the following persons to be selected by and the number of members to be determined by the director of the department of mental health:**

- (1) Director's designees from the department of mental health;**
- (2) Eating disorder researchers, clinicians, and patient advocacy groups; and**
- (3) The general public.**

**2. The council shall:**

- (1) Oversee the eating disorder education and awareness programs established in section 630.580.**
- (2) Identify whether adequate treatment and diagnostic services are available in the state; and**
- (3) Assist the department of mental health in identifying eating disorder research projects.**

**3. Members of the council shall serve four-year terms, with the initial terms of the members staggered as two-year, three-year, and four-year terms. The members of the council may be reappointed. The members of the council shall not receive compensation for their service on the council, but may, subject to appropriation, be reimbursed for their actual and necessary expenses incurred as members of the council.**

**4. The council shall conduct an organizational meeting at the call of the director of the department of mental health. At such meeting, the council shall select a chair and vice chair of the council. Subsequent meetings of the council shall be called as necessary by the chair of the council or the director of the department of mental health.**

**630.580. 1. The department of mental health, in collaboration with the departments of health and senior services, elementary and secondary education, and higher education and in consultation with the Missouri eating disorder council established in section 630.575, shall develop and implement the following education and awareness programs:**

**(1) Health care professional education and training programs designed to prevent and treat eating disorders. Such programs shall include:**

**(a) Discussion of various strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to prevent eating disorders;**

**(b) Identification of individuals with eating disorders and those who are at risk for developing an eating disorder;**

**(c) Conducting a comprehensive assessment of individual and familial health risk factors;**

**(2) Education and training programs for elementary and secondary and higher education professionals. Such programs shall include:**

**(a) Distribution of educational materials to middle and high school students in both public and private schools, including but not limited to utilization of the National Women's Health Information Center's Body Wise materials;**

**(b) Development of a curriculum which focuses on a healthy body image, identifying the warning signs and behaviors associated with an eating disorder, and ways to assist the individual, friends, or family members who may have an eating disorder; and**

**(3) General eating disorder awareness and education programs.**

**2. The department of mental health may seek the cooperation and assistance of any state department or agency, as the department deems necessary, in the development and implementation of the awareness and education programs implemented under this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Storch, **House Amendment No. 2** was adopted.

Representative Dougherty offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Section A, Line 37, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 3** was adopted.

Representative Emery offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 95, Section 338.337, Line 16, by inserting immediately after said line the following:

**“338.575. 1. No licensed pharmacy in this state shall be required to perform, assist, recommend, refer to, or participate in any act or service in connection with any drug or device that is an abortifacient, including but not limited to the RU486 drug and emergency contraception such as the Plan B drug.**

**2. No civil or criminal cause of action shall accrue against a pharmacy due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**3. No board, commission, or other agency or instrumentality of this state shall deny, revoke, suspend, or otherwise discipline the license of a pharmacy, nor shall it impose any other condition of operation due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**4. No pharmacy shall be denied or discriminated against in eligibility for or the receipt of any public benefit, assistance, or privilege of any kind due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Newman offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 93, Section 337.739, Line 39, by inserting after all of said line the following:

**“338.014. 1. Upon receipt of a valid, lawful prescription for a contraceptive, a pharmacy and its employees have a duty to dispense the contraceptive, or a suitable alternative permitted by the health care provider who issued the prescription, to the patient or the patient's agent without delay, consistent with the normal time frame for filling any other prescription. If the contraceptive or suitable alternative is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptive drugs not in stock, including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. However, if the patient prefers, the prescription must either be transferred to a local pharmacy of the patient's choice or returned to the patient, as the patient directs.**

**2. For purposes of subsection 1 of this section, the term "contraceptive" shall refer to all drugs or devices approved for sale by the federal Food and Drug Administration to prevent pregnancy.**

**3. Nothing in subsection 1 of this section shall interfere with a pharmacist's screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions, including serious interactions with nonprescription or over-the-counter drugs, drug food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, or clinical abuse or misuse.**



**4. A pharmacy has a duty to treat each customer in a non-judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not to fill the prescription. The provisions of this subsection are applicable to emergency contraception sold over the counter to persons of legal age.**

**5. A pharmacy shall also assure that persons of legal age purchasing emergency contraception over the counter are promptly served, consistent with the normal time frame for in-store nonprescription purchases stored in a like manner.**

**6. Violation of the provisions of this section shall subject the licensed pharmacy to disciplinary action under section 338.055.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Newman moved that **House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 038

Atkins	Aull	Brown 50	Burnett	Calloway
Chappelle-Nadal	Colona	Corcoran	Dougherty	Englund
Frame	Holsman	Jones 63	Kander	Kelly
Kirkton	Komo	Lampe	LeVota	Low
McClanahan	McDonald	McNeil	Newman	Norr
Oxford	Pace	Schieffer	Schlottach	Schupp
Skaggs	Still	Storch	Talboy	Walton Gray
Webber	Whitehead	Zimmerman		

NOES: 106

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Conway	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dugger	Dusenberg	Emery	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Hummel
Icet	Jones 117	Keeney	Kingery	Koenig
Kratky	Kraus	Kuessner	Lair	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McGhee	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

PRESENT: 000

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ABSENT WITH LEAVE: 018

Carter	Casey	Cooper	Curls	Diehl
Ervin	Grill	Hoskins 80	Hughes	Jones 89
Meadows	Morris	Roorda	Salva	Spreng
Vogt	Walsh	Webb		

VACANCIES: 001

Representative Hobbs assumed the Chair.

On motion of Representative Emery, **House Amendment No. 4** was adopted by the following vote:

AYES: 109

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kratky	Kraus	Kuessner	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 042

Atkins	Brown 50	Burnett	Calloway	Chappelle-Nadal
Colona	Curls	Dougherty	Frame	Grill
Holsman	Hoskins 80	Jones 63	Kander	Kelly
Kirkton	Komo	Lampe	LeBlanc	LeVota
Low	McClanahan	McDonald	McNeil	Morris
Nasheed	Newman	Norr	Oxford	Pace
Schupp	Skaggs	Still	Storch	Talboy
Vogt	Walton Gray	Webb	Webber	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 011

Aull	Carter	Cooper	Corcoran	Hughes
Meadows	Roorda	Salva	Schlottach	Schoemehl
Walsh				

VACANCIES: 001

Representative Franz offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 12, Section 208.010, Line 177, by inserting immediately after said line the following:

**“208.198. Subject to appropriations, the department of social services shall establish a rate for the reimbursement of physicians, optometrists, podiatrists, and psychologists for services rendered to patients under the MO HealthNet program which provides equal reimbursement for the same or similar services rendered.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schaaf offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 208.198, Page 1, Line 7 of said amendment, by deleting all of said line and inserting in lieu of thereof the following:

**“the same or similar services rendered, provided, however, that no rate for the reimbursement of physicians, optometrists, podiatrists, or psychologists shall be reduced to provide equal reimbursement under this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schaaf moved that **House Amendment No. 1 to House Amendment No. 5** be adopted.

Which motion was defeated.

On motion of Representative Franz, **House Amendment No. 5** was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Faith	Fallert

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Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kirkton	Koenig	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Talboy	Thomson	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 011

Bivins	Davis	Ervin	Guest	Kingery
Lipke	Sander	Schaaf	Skaggs	Yaeger
Zimmerman				

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 007

Bruns	Carter	Cooper	Hughes	Kraus
Meadows	Tilley			

VACANCIES: 001

### Representative Wells offered **House Amendment No. 6.**

#### *House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 327.411, Page 60, Line 28, by inserting immediately after said line the following:

“329.040. 1. Any person of good moral character may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.

2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;

(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of fifty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;
- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; and
- (7) Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- (2) Makeup application, all phases, one hundred hours;

- (3) Hair removal, thirty hours;
- (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- (5) Reflexology, thirty-five hours;
- (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- (8) Salon management and salesmanship, fifty-five hours;
- (9) Sanitation and sterilization, safety, forty-five hours;
- (10) State law, ten hours; and
- (11) Curriculum to be defined by school, not less than seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

15. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students who are in training.

16. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

17. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license pursuant to the provisions of this chapter.

**18. The board shall not issue any initial, new license for a school of cosmetology from August 28, 2010, to August 28, 2012. Any school of cosmetology holding a valid license on August 28, 2010 may change school location within twenty-five miles of their then existing location or may change the ownership of the school without being treated by the board as an applicant for a new license for the purposes of this subsection. The provisions of this subsection shall expire on August 28, 2012.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wells, **House Amendment No. 6** was adopted.

**Representative Dixon offered House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 1, In the Title, Line 2, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 1, In the Title, Line 7, by inserting after the number "334.735," the number "334.747,"; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting after the number "337.739," the number "338.100"; and

Further amend said bill, Page 2, In the Title, Line 28, by deleting the words "one hundred five" and inserting in lieu thereof the words "one hundred ten"; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 2, Section A, Line 6, by inserting after the number "334.735," the number "334.747,"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting after the number "337.739," the number "338.100"; and

Further amend said bill, Page 2, Section A, Line 25, by deleting the words "one hundred five" and inserting in lieu thereof the words "one hundred ten"; and

Further amend said bill, Page 2, Section A, Line 26, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 3, Section A, Line 32, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 3, Section A, Line 33, by inserting after the number "337.739," the number "338.100"; and

Further amend said bill, Page 7, Section 194.350, Line 26, by inserting after all of said line the following:

"195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, or a physician assistant in accordance with section 334.747, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**6. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if:**

**(1) The prescription is:**

**(a) Written by a practitioner located in another state according to the applicable laws of such state and the United States; and**

**(b) Dispensed to a patient who is a resident of another state; or**

**(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; [the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or the supervising physician if the prescription is written by a physician assistant,] and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed."; and



Further amend said bill, Page 81, Section 334.735, Line 174, by inserting after all of said line the following:

"334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017, RSMo, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include [such] **the Drug Enforcement Administration** registration numbers on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

**4. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.";** and

Further amend said bill, Page 93, Section 337.739, Line 39, by inserting after all of said line the following:

"338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic recordkeeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in

charge of such pharmacy shall furnish to the [prescribe] **prescriber**, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **kept in any format in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic recordkeeping system shall contain all information otherwise required in a manual recordkeeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic recordkeeping system as authorized by law; provided however, original written and faxed prescriptions shall be physically maintained on file at the pharmacy under state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

3. **"Electronic recordkeeping system", as used in this section, shall mean a system, including machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions."**; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Dixon, **House Amendment No. 7** was adopted.

Representative Guernsey offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 38, Section 214.550, Line 22, by inserting immediately after said line the following:

"301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- (1) "Department", the department of revenue;
- (2) "Director", the director of the department of revenue;
- (3) "Other authorized health care practitioner" includes advanced practice registered nurses licensed pursuant to chapter 335, RSMo, **physician assistants licensed pursuant to chapter 334, RSMo**, chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;
- (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:
  - (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or
  - (b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
  - (c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
  - (d) Uses portable oxygen; or
  - (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
  - (f) A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;
- (5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;

(9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days preceding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any

applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a four-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with

respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 8** was adopted.

Representative Kirkton offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 1, In the Title, Line 2, by inserting after the number "208.010," the number "208.955,"; and

Further amend said bill, Page 2, In the Title, Line 27, by deleting the words "one hundred five" and inserting in lieu thereof the words "one hundred six"; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number "208.010," the number "208.955,"; and

Further amend said bill, Page 2, Section A, Line 25, by deleting the word "one hundred five" and inserting in lieu thereof the word "one hundred six"; and

Further amend said bill, Page 2, Section A, Line 26, by inserting after the number "208.010," the number "208.955,"; and

Further amend said bill, Page 12, Section 208.010, Line 177, by inserting after all of said line the following:

"208.955. 1. There is hereby established in the department of social services the "MO HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist of ~~[eighteen]~~ **nineteen** members as follows:

(1) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives;

(2) Two members of the Senate, one from each party, appointed by the president pro tem of the senate and the minority floor leader of the senate;

(3) One consumer representative;

(4) Two primary care physicians, licensed under chapter 334, RSMo, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state, who care for participants, not from the same geographic area;

(5) Two physicians, licensed under chapter 334, RSMo, who care for participants but who are not primary care physicians and are not from the same geographic area, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state;

(6) **One nurse licensed or registered under chapter 335 who cares for participants;**

(7) One representative of the state hospital association;

~~[(7)]~~ (8) One nonphysician health care professional who cares for participants, recommended by the director of the department of insurance, financial institutions and professional registration;

~~[(8)]~~ (9) One dentist, who cares for participants. The dentist shall be recommended by any Missouri organization or association that represents a significant number of dentists licensed in this state;

~~[(9)]~~ (10) Two patient advocates;

~~[(10)]~~ (11) One public member; and

~~[(11)]~~ (12) The directors of the department of social services, the department of mental health, the department of health and senior services, or the respective directors' designees, who shall serve as ex-officio members of the committee.

2. The members of the oversight committee, other than the members from the general assembly and ex-officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. ~~[Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter,]~~ Members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve on the oversight committee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of social services for that purpose. The department of social services shall provide technical, actuarial, and administrative support services as required by the oversight committee. The oversight committee shall:

(1) Meet on at least four occasions annually, including at least four before the end of December of the first year the committee is established. Meetings can be held by telephone or video conference at the discretion of the committee;

(2) Review the participant and provider satisfaction reports and the reports of health outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices as required of the health improvement plans and the department of social services under section 208.950;

(3) Review the results from other states of the relative success or failure of various models of health delivery attempted;

(4) Review the results of studies comparing health plans conducted under section 208.950;

(5) Review the data from health risk assessments collected and reported under section 208.950;

(6) Review the results of the public process input collected under section 208.950;

(7) Advise and approve proposed design and implementation proposals for new health improvement plans submitted by the department, as well as make recommendations and suggest modifications when necessary;

(8) Determine how best to analyze and present the data reviewed under section 208.950 so that the health outcomes, participant and provider satisfaction, results from other states, health plan comparisons, financial impact of the various health improvement plans and models of care, study of provider access, and results of public input can be used by consumers, health care providers, and public officials;

(9) Present significant findings of the analysis required in subdivision (8) of this subsection in a report to the general assembly and governor, at least annually, beginning January 1, 2009;

(10) Review the budget forecast issued by the legislative budget office, and the report required under subsection (22) of subsection 1 of section 208.151, and after study:

(a) Consider ways to maximize the federal drawdown of funds;

(b) Study the demographics of the state and of the MO HealthNet population, and how those demographics are changing;

(c) Consider what steps are needed to prepare for the increasing numbers of participants as a result of the baby boom following World War II;

(11) Conduct a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state; and

(12) Perform other tasks as necessary, including but not limited to making recommendations to the division concerning the promulgation of rules and emergency rules so that quality of care, provider availability, and participant satisfaction can be assured.

3. By July 1, 2011, the oversight committee shall issue findings to the general assembly on the success and failure of health improvement plans and shall recommend whether or not any health improvement plans should be discontinued.

4. The oversight committee shall designate a subcommittee devoted to advising the department on the development of a comprehensive entry point system for long-term care that shall:

(1) Offer Missourians an array of choices including community-based, in-home, residential and institutional services;

(2) Provide information and assistance about the array of long-term care services to Missourians;

(3) Create a delivery system that is easy to understand and access through multiple points, which shall include but shall not be limited to providers of services;

(4) Create a delivery system that is efficient, reduces duplication, and streamlines access to multiple funding sources and programs;

(5) Strengthen the long-term care quality assurance and quality improvement system;

(6) Establish a long-term care system that seeks to achieve timely access to and payment for care, foster quality and excellence in service delivery, and promote innovative and cost-effective strategies; and

(7) Study one-stop shopping for seniors as established in section 208.612.

5. The subcommittee shall include the following members:

(1) The lieutenant governor or his or her designee, who shall serve as the subcommittee chair;

(2) One member from a Missouri area agency on aging, designated by the governor;

(3) One member representing the in-home care profession, designated by the governor;

(4) One member representing residential care facilities, predominantly serving MO HealthNet participants, designated by the governor;

(5) One member representing assisted living facilities or continuing care retirement communities, predominantly serving MO HealthNet participants, designated by the governor;

(6) One member representing skilled nursing facilities, predominantly serving MO HealthNet participants, designated by the governor;

(7) One member from the office of the state ombudsman for long-term care facility residents, designated by the governor;

(8) One member representing Missouri centers for independent living, designated by the governor;

(9) One consumer representative with expertise in services for seniors or the disabled, designated by the governor;

(10) One member with expertise in Alzheimer's disease or related dementia;

(11) One member from a county developmental disability board, designated by the governor;

(12) One member representing the hospice care profession, designated by the governor;

(13) One member representing the home health care profession, designated by the governor;

(14) One member representing the adult day care profession, designated by the governor;

(15) One member gerontologist, designated by the governor;

(16) Two members representing the aged, blind, and disabled population, not of the same geographic area or demographic group designated by the governor;

(17) The directors of the departments of social services, mental health, and health and senior services, or their designees; and

(18) One member of the house of representatives and one member of the senate serving on the oversight committee, designated by the oversight committee chair. Members shall serve on the subcommittee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of health and senior services for that purpose. The department of health and senior services shall provide technical and administrative support services as required by the committee.

6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit its report to the governor and general assembly containing recommendations for the implementation of the comprehensive entry point system, offering suggested legislative or administrative proposals deemed necessary by the subcommittee to minimize conflict of interests for successful implementation of the system. Such report shall contain, but not be limited to, recommendations for implementation of the following consistent with the provisions of section 208.950:

(1) A complete statewide universal information and assistance system that is integrated into the web-based electronic patient health record that can be accessible by phone, in-person, via MO HealthNet providers and via the Internet that connects consumers to services or providers and is used to establish consumers' needs for services. Through the system, consumers shall be able to independently choose from a full range of home, community-based, and facility-based health and social services as well as access appropriate services to meet individual needs and preferences from the provider of the consumer's choice;

(2) A mechanism for developing a plan of service or care via the web-based electronic patient health record to authorize appropriate services;

(3) A preadmission screening mechanism for MO HealthNet participants for nursing home care;

(4) A case management or care coordination system to be available as needed; and

(5) An electronic system or database to coordinate and monitor the services provided which are integrated into the web-based electronic patient health record.

7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide to the governor, lieutenant governor and the general assembly a yearly report that provides an update on progress made by the subcommittee toward implementing the comprehensive entry point system.

8. The provisions of section 23.253, RSMo, shall not apply to sections 208.950 to 208.955."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Kirkton moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Talboy offered **House Amendment No. 10**.



House Amendment No. 10

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 61, Section 332.011, Line 22, by inserting after all of said line the following:

“334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery in this state,] except as herein provided.

2. For the purposes of this chapter, the "practice of medicine across state lines" shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.”; and

Further amend said bill, Page 81, Section 334.735, Line 174, by inserting after all of said line the following:

“334.1200. 1. As used in sections 334.1200 to 334.1230, the following terms shall mean:

(1) "Antepartum", before birth;

(2) "Board", state board of registration for the healing arts;

(3) "Certified professional midwife", any person who is certified by the North American Registry of Midwives as a certified professional midwife and licensed under this chapter to provide midwife services;

(4) "Client", a person who retains the services of a licensed certified professional midwife;

(5) "Consultation", communication between a licensed certified professional midwife and a licensed physician for the purpose of receiving and implementing advice regarding the care of a pregnant woman or infant;

(6) "Committee", the advisory committee for certified midwives;

(7) "Intrapartum", during birth;

(8) "Midwife services", the management and care of women in the antepartum, intrapartum, and postpartum period of the maternity cycle;

(9) "Postpartum", after birth, but no longer than one hundred twenty days after birth;

(10) "Protocol", a defined response to a specific clinical situation providing suggested pathways to be followed by the licensed certified professional midwife for managing a particular issue or complication. The protocol shall be developed collaboratively by the licensed certified professional midwife and a physician licensed under this chapter, and shall be written, signed, and dated by the physician prior to its implementation;

(11) "Referral", the process by which the licensed certified professional midwife directs the client to a licensed physician. The client and the physician shall determine whether subsequent care shall be provided by the physician, the midwife, or through a collaboration between the physician and the midwife;

(12) "Transfer of care", the transfer of care of the client to a medical facility or a physician who then assumes the responsibility for the direct care of the client;

(13) "Written collaboration agreement", a written jointly agreed upon plan of care whereby a physician delegates professional responsibilities to a licensed certified professional midwife who is qualified by training, competency, experience, or licensure to perform such responsibilities.

**334.1202. 1.** There is hereby established under the state board of registration for the healing arts the "Advisory Committee for Certified Professional Midwives", which shall guide, advise, make recommendations to, and assist the board in carrying out the provisions of sections 334.1200 to 334.1230.

**2.** No later than December 31, 2010, the governor shall appoint members to the committee with the advice and consent of the senate. The committee shall consist of five members, each of whom are United States citizens and who have been residents of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a public member and four members shall be licensed certified midwives who attend births in homes or other out-of-hospital settings; provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under sections 334.1200 to 334.1230.

**3.** The initial appointments to the committee shall be one member for a term of one year, two members for a term of two years, and two members for a term of three years. After the initial terms, each member shall serve a three-year term. No member of the committee shall serve more than two consecutive three-year terms. The organization of the committee shall be established by members of the committee. Upon the death, resignation, or removal from office of any member of the committee, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be made within sixty days after the vacancy occurs.

**4.** The public member of the committee shall not be a member of any profession regulated by chapter 334 or 335 or the spouse of any such person. The public member is subject to the provisions of section 620.132.

**5.** Members of the committee shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as committee members. No committee member shall be personally liable for any court costs which accrue in any action by or against the committee.

**6.** Notwithstanding any other provision of law to the contrary, any appointed member of the committee shall receive as compensation an amount established by the director of the division of professional registration not to exceed fifty dollars per day for committee business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the committee shall be provided by the board.

**7.** The committee shall hold an open annual meeting at which time it shall elect from its membership a chair and secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the committee shall consist of a majority of its members.

**8.** No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer sections 334.1200 to 334.1230, and the initial rules have become effective.

**334.1204. 1.** No person shall hold himself or herself out as a midwife or certified professional midwife in this state unless such person is licensed under sections 334.1200 to 334.1230.

**2.** Nothing in sections 334.1200 to 334.1230 shall be construed to prohibit physicians licensed under this chapter or certified nurse midwives licensed under chapter 335 from providing midwife services, so long as such services are lawfully performed under such individual's scope of practice as authorized by law and regulation.

**334.1206. 1.** The board shall issue licenses to applicants who:

(1) Present evidence of current certification by the North American Registry of Midwives as a certified professional midwife;

(2) Present documentation verifying that the applicant has the following practical experience through an apprenticeship or other supervisory setting:

(a) The provision of seventy-five prenatal examinations, including twenty initial examinations;

(b) Supervised participation as a primary caregiver in at least fifty births, at least twenty of which shall be in a home setting;

(c) Twenty newborn examinations; and

(d) Thirty postpartum examinations;

(3) Present evidence of current certification in adult and neonatal cardiopulmonary resuscitation;

(4) Agree to comply with the informed consent requirement under subsection 1 of section 334.1220;

(5) Pay a licensure fee set by the board; and

(6) Meet other requirements established by the board.

**2.** The board shall renew licenses to applicants who:

(1) Present evidence of the continuing education required in section 334.1214;

- (2) Present evidence of attendance at a minimum of three hours per year of peer review;
- (3) Present evidence of current certification in adult and neonatal cardiopulmonary resuscitation;
- (4) Present evidence of a written collaboration agreement;
- (5) Pay a renewal fee set by the board; and
- (6) Submit the following data on a form to be promulgated by rule and made available by the department of health and senior services:
  - (a) The number of women to whom care was provided since the date of the previously issued license;
  - (b) The number of deliveries performed;
  - (c) The number of perinatal transfers;
  - (d) The number of transfers during labor, delivery, and immediately following birth; and
  - (e) The number of perinatal deaths.

3. Any license issued under sections 334.1200 to 334.1230 shall expire one year after the date of its issuance. The board may refuse to issue or renew any license under this chapter for one or any combination of causes stated in subsection 2 of section 334.1210. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any license, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of section 334.1210. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

334.1208. Any complaint received by the board concerning a person who is licensed under sections 334.1200 to 334.1230 shall be recorded as received and the date received. The board:

- (1) Shall investigate all complaints concerning alleged violations of sections 334.1200 to 334.1230 or if there are grounds for the suspension, revocation, or refusal to issue a license. The board may employ investigators who shall investigate complaints and make inspections and any inquiries as, in the judgment of the board, are appropriate to enforce sections 334.1200 to 334.1230;
- (2) May issue subpoenas and subpoena duces tecum in order to cause any licensee or any other person to produce records or to appear as a witness under any investigation or proceeding conducted under sections 334.1200 to 334.1230;
- (3) May, in lieu of or in addition to any remedy provided in this section, file a petition in the name of the state asking a court to issue a restraining order, an injunction or a writ of mandamus against any person who is or has been violating any of the provisions of sections 334.1200 to 334.1230 or any lawful rule, order or subpoena of the board; and
- (4) May, if the evidence supports such action, cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of any license issued under sections 334.1200 to 334.1230.

334.1210. 1. The board may refuse to issue or renew any license required under sections 334.1200 to 334.1230 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license required by sections 334.1200 to 334.1230, or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform midwife services;
- (2) The person has been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense reasonably related to the qualifications, functions, or duties of a certified professional midwife, for any offense an essential

element is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing a license issued under sections 334.1200 to 334.1230;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of a certified professional midwife;

(6) Violation of or assisting or enabling any person to violate any provision of sections 334.1200 to 334.1230 or any lawful regulation adopted under sections 334.1200 to 334.1230;

(7) Impersonation of any person holding a license or allowing any person to use his or her license;

(8) Disciplinary action against the holder of a license granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) The person has been adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice as a certified professional midwife who is not licensed and currently eligible to practice under sections 334.1200 to 334.1230;

(11) Issuance of a license based upon a material mistake of fact;

(12) Violation of any professional trust or confidence;

(13) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Committing unethical conduct as defined by the board;

(15) Engaging in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board; or

(16) Violation of the drug laws or regulations of this state, any other state, or the federal government.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the person's license for a period not to exceed three years;

(3) Restrict or limit the person's license for an indefinite period of time;

(4) Revoke the person's license;

(5) Administer a public or private reprimand;

(6) Deny the person's application for a license;

(7) Permanently withhold issuance of a license; or

(8) Require the person to attend such continuing educational courses and pass such examinations as the board may direct.

4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for renewal of the license. Renewal shall be at the discretion of the board after compliance with all requirements of sections 334.1200 to 334.1230 relative to the licensing of the applicant for the first time.

334.1212. The board may promulgate rules necessary to implement and administer the provisions of sections 334.1200 to 334.1230. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

334.1214. 1. All fees payable under sections 334.1200 to 334.1230 shall be set by the board at a level to produce revenue sufficient to cover but not substantially exceed the cost and expense of administering said sections. All such fees shall be collected by the division of professional registration, which shall transmit them to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund.

2. Upon appropriation by the general assembly, the money in the fund shall be used to administer the provisions of sections 334.1200 to 334.1230.

334.1216. 1. Each person licensed under sections 334.1200 to 334.1230 shall accumulate thirty hours of continuing education every two years to be eligible for renewal of the license, as follows:

(1) Continuing education shall be obtained through courses recommended by the committee and approved by the board;

(2) Adherence to the continuing education requirement shall be reviewed for licensure renewal in each even-numbered year and shall include all approved continuing education courses taken during the previous two years.

334.1218. Any person licensed as a certified professional midwife and providing midwife services shall, as a condition of licensure, furnish satisfactory evidence of a malpractice insurance policy of at least five hundred thousand dollars.

334.1220. 1. Every licensed certified professional midwife shall present an informed consent document to each client, which shall include but not be limited to, the following:

(1) A description of the licensed certified professional midwife's education, training, and qualifications;

(2) Licensure as a certified professional midwife, including the effective dates of the license;

(3) The benefits and risks associated with childbirth in the setting selected by the client;

(4) The name, address, and telephone number of the physician who is collaborating with the licensed certified professional midwife;

(5) A health history sheet including preexisting conditions or surgeries, previous pregnancies, physical examination, nutritional status, and a written assessment of risk factors;

(6) A statement notifying the client of complications that would require transfer of the client's care to a licensed physician;

(7) A statement advising the client to see a licensed physician for the purpose of prenatal testing;

(8) A statement concerning the licensed certified professional midwife's malpractice or liability insurance coverage; and

(9) A written care plan specific to the client to ensure the continuity of care throughout the antepartum, intrapartum, and postpartum periods. The written care plan must incorporate the conditions under which consultation, including the transfer of care or transport of the client, may be implemented.

2. The informed consent document shall be signed and dated by the client, as evidence that the document has been received and explained, and kept by the midwife in the client's permanent records.

3. Nothing in sections 334.1200 to 334.1230 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

(1) Advertise as a midwife or as a provider of midwife services;

(2) Accept any form of compensation for midwife services; and

(3) Use any words, letters, signs, or figures to indicate that the person is a midwife.

3. No physician, nurse, emergency medical technician, hospital, or agents thereof providing emergency medical care or treatment for a woman or infant arising during childbirth as a consequence of the care received by a licensed certified professional midwife shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless such act or omission was the result of gross negligence or willful misconduct on the part of the physician, nurse, emergency medical technician, hospital, or agents thereof.

4. Nothing in sections 334.1200 to 334.1230 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

334.1222. 1. Licensed certified professional midwives shall practice only under a written collaboration agreement with a physician who is licensed under this chapter and who has obstetrical privileges at a nearby hospital. The written collaboration agreement shall include appropriate protocols for consultation, referral, and transfer, and shall specify the steps or actions that will be taken to ensure full compliance with the testing and reporting requirements set forth in sections 191.331, 191.332, 191.925, 193.085, 210.050, 210.070, and 210.080.

2. The collaborating physician shall be immediately available for consultation to the licensed certified professional midwife at all times.

3. No physician shall enter into a collaboration agreement with more than three licensed certified professional midwives at any given time.

4. To facilitate the management of a mother or baby needing unexpected emergency care, a licensed certified professional midwife shall, for every client, have a written emergency transport arrangement with the nearest hospital capable of handling obstetrical emergencies. In the event an emergency transport is needed, the licensed certified professional midwife shall notify the hospital emergency department as soon as possible and provide a copy of the medical record to the receiving physician.

334.1224. No licensed certified professional midwife shall be permitted to:

- (1) Prescribe drugs or medications;
- (2) Perform any surgical procedures;
- (3) Perform medical inductions or cesarean sections during the delivery of an infant;
- (4) Use forceps during the delivery of an infant;
- (5) Perform sonograms;
- (6) Perform vacuum delivery of an infant; or
- (7) Perform or induce an abortion.

334.1226. 1. Every licensed certified professional midwife shall keep a record of each client served for a minimum of seven years after delivery. Such record shall contain:

- (1) Name, address and telephone number of client;
- (2) Informed consent document signed and dated by client and the licensed certified professional midwife; and
- (3) Documentation of all consultations, referrals, transfer of care, and emergency transport and care rendered, and all subsequent updates.

2. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth but with a licensed certified professional midwife in attendance at or immediately after the birth, it shall be the responsibility of the licensed certified professional midwife to fulfill the reporting requirements of section 210.050, and to prepare and file the certificate of birth as required by section 193.085.

3. Every licensed certified professional midwife shall submit a client summary report for each client to the department. Such summary reports shall be submitted on a biannual basis.

334.1228. Every licensed certified professional midwife who intends to provide midwife services for any client shall, within ten days of entering into any agreement to provide such services, file with the department of health and senior services a notice of intent to home deliver. The forms for filing the notice of intent to home deliver shall be promulgated by rule and made available by the department of health and senior services. The department shall maintain a permanent database, which shall be made available to the public, of all home deliveries done under the care of a licensed certified professional midwife.

334.1230. Any person who violates the provisions of sections 334.1200 to 334.1230, or any rule or order under sections 334.1200 to 334.1230 is guilty of a class A misdemeanor.”; and

Further amend said bill, Page 125, Section 1, Line 39, by inserting after all of said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Pratt offered **House Substitute Amendment No. 1 for House Amendment No. 10.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 10*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 66, Section 334.100, Line 170, by inserting after the word "if" the following:

**"a physician has not met in person with the patient at least twenty-four hours prior to performing, or"; and**

Further amend said title, enacting clause and intersectional references accordingly.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stream	Sutherland	Thomson	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Zerr	Mr Speaker	

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Jones 63	Kelly
Kirkton	Komo	Kratky	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

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ABSENT WITH LEAVE: 014

Carter	Corcoran	Diehl	Franz	Hughes
Kander	Kuessner	Meadows	Meiners	Spreng
Stevenson	Tilley	Vogt	Wright	

VACANCIES: 001

On motion of Representative Pratt, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted by the following vote:

AYES: 108

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kratky	Kraus	Lair	Largent
Leara	Liese	Lipke	Lochner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Weter	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 042

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Corcoran	Curls	Englund	Frame	Holsman
Hoskins 80	Jones 63	Kander	Kelly	Kirkton
Komo	Lampe	LeBlanc	LeVota	Low
McClanahan	McDonald	McNeil	Morris	Newman
Norr	Oxford	Pace	Roorda	Schoemehl
Schupp	Skaggs	Still	Storch	Talboy
Vogt	Walton Gray	Webb	Webber	Whitehead
Witte	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Carter	Cooper	Diehl	Dixon	Hughes
Kuessner	Meadows	Meiners	Schaaf	Spreng
Tilley	Wells			

VACANCIES: 001



Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stream
Sutherland	Thomson	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 013

Carter	Cooper	Diehl	Dixon	Hughes
Kuessner	Meadows	Meiners	Rucker	Schaaf
Spreng	Stevenson	Tilley		

VACANCIES: 001

On motion of Representative Wasson, **HCS SCS SB 754, as amended**, was adopted.

On motion of Representative Wasson, **HCS SCS SB 754, as amended**, was read the third time and passed by the following vote:

AYES: 114

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kratky	Kraus	Lair
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	McNary	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Storch	Stream	Sutherland	Thomson	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 038

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Corcoran	Curls	Ervin	Grill	Holsman
Hoskins 80	Jones 63	Kander	Kelly	Kirkton
Komo	Lampe	LeBlanc	LeVota	Low
McDonald	McNeil	Morris	Nasheed	Newman
Norr	Oxford	Pace	Schupp	Skaggs
Still	Talboy	Vogt	Walton Gray	Webb
Webber	Whitehead	Zimmerman		

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 009

Carter	Diehl	Frame	Hughes	Kuessner
Meadows	Sander	Stevenson	Tilley	

VACANCIES: 001

Representative Hobbs declared the bill passed.

**HCS SB 795**, relating to animals and agriculture, was taken up by Representative Loehner.

Representative Loehner offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 795, Section 266.355, Page 16, Lines 10 and 11, by deleting all of said lines and inserting in lieu thereof the following:

**“set forth in ANSI Standard K6.1-1999, Safety Requirements for the Storage and Handling of Anhydrous Ammonia; except that, ANSI Standard K6.1-1999, shall not be adopted by the”; and**

Further amend said bill, Section 267.810, Page 19, Lines 26 and 27, by deleting all of said lines and inserting in lieu thereof the following:

**“(18) A member representative of the Missouri Federation of Animal Owners; and  
(19) A producer member representative of the Missouri Rice Council.”; and**

Further amend said bill and section, Page 20, Line 43, by inserting immediately after the word “committee”, as it appears for the first time on said line, the following:

**“nor shall the members be reimbursed for any expenses associated with their service on the committee”; and**

Further amend said bill and page, section 270.260, Line 1, by inserting immediately after the word “who”, the following:

**“recklessly or”; and**

Further amend said bill, section and page, Lines 3 thru 20, by deleting all of said lines and inserting in lieu thereof the following:

**“such animals is guilty of a class A misdemeanor. Each swine so released shall be a separate offence.**

**2. Every person who has previously pled guilty to or been found guilty of violating the provisions of section 270.260 committed on two separate occasions where such offence occurred within ten years of the date of the occurrence of the present offence and who subsequently pleads guilty to or is found guilty of violating section 270.260 shall be guilty of a class D felony.”; and**

Further amend said bill and section, Page 21, Lines 23 and 24, by deleting all of said lines and inserting in lieu thereof the following:

**“270.270. 1. Any person possessing or transporting live Russian and European wild boar or wild-caught swine on or through public land without a Missouri department of agriculture permit is guilty of a class A misdemeanor. Each violation of this subsection shall be a separate offense.**

**2. Any law enforcement officer, any agent of the conservation commission, or the state veterinarian is authorized to enforce the provisions of this section , section 270.260, and section 270.400.”; and**

Further amend said bill, Section 270.400, Page 21, Line 24, by inserting immediately after the word “fees”, the following:

**“and administrative penalties”; and**

Further amend said bill and section, Page 22, Line 41, by deleting all of said line and inserting in lieu thereof the following:

**“of the violation of section 270.260.”; and**

Further amend said bill, Section 578.622, Page 41, Line 2, by inserting immediately after the word “**Medicine**”, the following:

“, or a zoological park that is a part of a district created under chapter 184”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Harris offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 795, Page 1, Line 9, by inserting after the word “**Council**” the following:

- “;  
(20) A producer member representative of the Missouri Rural Crisis Center;  
(21) A producer member representative of the Missouri Farmers Union;  
(22) A producer member representative of R-Calf; and  
(23) A representative of a Missouri based animal shelter”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Harris moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Loehner, **House Amendment No. 1** was adopted.

Representative Loehner offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 795, Pages 8 and 9, Section 262.880, Lines 1 thru 46, by deleting all of said section and lines; and

Further amend said bill, Page 34, Section 319.321, Line 26, by inserting immediately after said line the following:

- “393.1025. As used in sections 393.1020 to 393.1030, the following terms mean:
- (1) "Commission", the public service commission;
  - (2) "Department", the department of natural resources;
  - (3) "Electric utility", any electrical corporation as defined by section 386.020;
  - (4) "Renewable energy credit" or "REC", a tradeable certificate of proof that one megawatt-hour of electricity has been generated from renewable energy sources; and
  - (5) "Renewable energy resources", electric energy produced from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, **from agricultural operations**, or from wastewater treatment, **thermal depolymerization or pyrolysis for converting waste material to energy**, clean and untreated wood such as pallets, hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of

energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department.

393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and
- (4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. Each electric utility shall make available to its retail customers a standard rebate offer of at least two dollars per installed watt for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, that become operational after 2009.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

**5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Loehner, **House Amendment No. 2** was adopted.

Representative Pollock offered **House Amendment No. 3.***House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 795, Section 311.297, Pages 25 and 26, Lines 1 thru 19, by deleting all of said section and lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Pollock moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Allen	Burlison	Chappelle-Nadal	Colona	Cooper
Day	Deeken	Denison	Dethrow	Dixon
Dugger	Englund	Faith	Fallert	Flanigan
Flook	Hodges	Hummel	Jones 89	Jones 117
Keeney	Kratky	Loehner	McGhee	Molendorp
Munzlinger	Nasheed	Nieves	Parson	Pollock
Pratt	Roorda	Sander	Schad	Schoeller
Schoemehl	Self	Stevenson	Still	Storch
Swinger	Talboy	Tracy	Viebrock	Wallace
Walsh	Wells	Wilson 119	Witte	

NOES: 101

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burnett	Calloway	Casey	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Dieckhaus
Diehl	Dougherty	Dusenberg	Emery	Ervin
Fischer 107	Fisher 125	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Icet
Jones 63	Kelly	Kingery	Kirkton	Koenig
Komo	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Low	McClanahan	McDonald	McNary	McNeil
Meiners	Nance	Newman	Nolte	Norr
Oxford	Pace	Parkinson	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stream	Sutherland	Thomson	Todd
Walton Gray	Wasson	Webb	Weter	Whitehead
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Carter	Frame	Hughes	Kander
LeBlanc	Meadows	Morris	Spreng	Tilley
Vogt	Webber			

VACANCIES: 001

**HCS SB 795, as amended**, was laid over.

### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 34** - Special Standing Committee on General Laws

**SCR 47** - Special Standing Committee on Governmental Accountability and Ethics Reform

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 614** - Public Safety

**SB 687** - Insurance Policy

**SB 820** - Transportation

**SB 845** - Special Standing Committee on Governmental Accountability and Ethics Reform

**SB 919** - Elections

**SB 945** - Tax Reform

**SB 976** - Budget

**SS SCS SB 1014** - Crime Prevention

**SB 1022** - Health Care Policy

**SB 1026** - Special Standing Committee on Workforce Development and Workplace Safety

### **COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCR 55**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### **HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 55**

WHEREAS, our nation is fortunate to possess a wealth of natural resources and we have a long history of stewardship of these resources; and

WHEREAS, just as a farmer carefully tends the land on which his survival depends, many of our country's best resource stewards are those who use the resource and for whom the resource holds intrinsic value for sustenance, survival, or cultural tradition; and

WHEREAS, recreational fishermen and women are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters. Recreational fishermen and women respect our country's marine habitats because they know that in order for these ecosystems to sustain the aquatic life and natural wonder for which they are sought, these resources must be protected and carefully managed; and

WHEREAS, fishing as a pastime in our country boasts strong support, with 93 percent of Americans indicating they support legal recreational fishing, and it is an activity that is enjoyed by Americans across all age, gender, socioeconomic, and ethnic distinctions; and

WHEREAS, recreational fishermen and women contribute significantly to the national and regional economies through equipment and gear purchases, fuel, lodging, and food, with total related sportfishing expenditures exceeding \$125 billion and supporting over 1 million jobs; and

WHEREAS, President Obama created an Interagency Ocean Policy Task Force in June of 2009 charged with recommending a national policy to ensure the protection, maintenance, and restoration of oceans, our coasts, and the Great Lakes; and

WHEREAS, the Task Force has issued two reports since its creation, the Interim Report of the Interagency Ocean Policy Task Force and the Interim Framework for Effective Coastal and Marine Spatial Planning, however the Task Force has failed to expressly recognize responsibly-regulated recreational fishing as a national priority for the oceans and Great Lakes in either of these reports; and

WHEREAS, without its recognition as a national priority, recreational fishing opportunities in the oceans and Great Lakes could become more limited, curtailed, or even potentially eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strenuously urge President Obama to include recreational fishing and boating in the oceans and Great Lakes as national priorities and ensure and promote recreational fishing and access to public waters in the Interagency Ocean Policy Task Force's concluding report and any forthcoming Executive Order based upon the report; and

BE IT FURTHER RESOLVED that the members strongly urge the members of Congress to take any measure within their power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force if such recommendations do not include responsibly-regulated recreational fishing and boating as national priorities for oceans, our coasts, and the Great Lakes and if such recommendations do not ensure and promote recreational fishing and access to public waters; and

BE IT FURTHER RESOLVED that this action should in no way be construed to represent support for modifying the congressionally authorized project purposes of the Flood Control Act of 1944; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President Obama, the Chairperson of the Interagency Ocean Policy Task Force, the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Missouri congressional delegation.

**Committee on Corrections and Public Institutions, Chairman McGhee reporting:**

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was returned **HCS SCS SB 778**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.



**Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **SCR 56**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SS SCS SB 793**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 67**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 79**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2255**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 51**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 56**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 618**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 686**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SCS SB 778**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 808**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SB 848**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 920**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 981**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1764**, entitled:

An act to repeal section 375.1175, RSMo, and to enact in lieu thereof two new sections relating to insurance, with a referendum clause.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 884**, entitled:

An act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Speaker Pro Tem Pratt resumed the Chair.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, May 5, 2010.

### **COMMITTEE MEETINGS**

#### **CRIME PREVENTION**

Wednesday, May 5, 2010, Hearing Room 5 upon morning recess.  
Executive session.

#### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: **SS SCS SB 734**

#### **FISCAL REVIEW**

Wednesday, May 5, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow. **CANCELLED**

#### FISCAL REVIEW

Thursday, May 6, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

#### HEALTH CARE POLICY

Wednesday, May 5, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.  
Executive session may follow.  
Public hearing to be held on: SS SB 1007

#### HIGHER EDUCATION

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 5.  
Executive session.  
Public hearing to be held on: SS SJR 44, SS#3 SCS SJR 45

#### INSURANCE POLICY

Wednesday, May 5, 2010, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: SB 900

#### JUDICIARY

Wednesday, May 5, 2010, Hearing Room 1 upon morning recess.  
Executive session may follow.  
Public hearing to be held on: SB 684

#### LOCAL GOVERNMENT

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may be held.  
Public hearing to be held on: HB 1676, SCS SB 700

#### RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, May 5, 2010, Hearing Room 4 upon afternoon adjournment.  
Any bills referred to committee.  
Possible Executive session.

#### RULES - PURSUANT TO RULE 25(32)(f)

Thursday, May 6, 2010, 9:00 a.m. Hearing Room 4.  
Any bills referred to committee.  
Possible Executive session.

**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 693

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 7.

Executive session.

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 845

**SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, May 5, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow. AMENDED

Public hearing to be held on: SCS SB 616

**TAX REFORM**

Wednesday, May 5, 2010, 8:30 a.m. Hearing Room 5.

Executive session will be held.

Public hearing to be held on: SB 816

**TAX REFORM**

Thursday, May 6, 2010, 9:00 a.m. Hearing Room 6.

Executive session may be held.

Public hearing to be held on: SB 945

**HOUSE CALENDAR**

SIXTY-FIFTH DAY, WEDNESDAY, MAY 5, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace

- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**SENATE BILLS FOR SECOND READING**

SS SCS SB 884

**SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617 - Emery
- 2 SB 771 - Wilson (119)
- 3 HCS SCS SB 774 - Riddle
- 4 HCS SCS SBs 842, 799 & 809 - Stream

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- 5 HCS SB 795, as amended - Loehner
- 6 HCS SB 739 - Pratt
- 7 HCS SCS SB 777 - Jones (89)
- 8 HCS SB 791, E.C. - Emery

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 SCS HCS HB 2297, as amended - Molendorp
- 10 HCS HB 1977, SA1, SA2 - Wasson
- 11 SS SCS HB 2317, as amended, E.C. - Tracy
- 12 SCS HB 1392 - Kirkton
- 13 SCS HB 1892 - Nasheed
- 14 SS HCS HB 1848 - Holsman
- 15 SCS HCS HB 1903, E.C. - Icet
- 16 SS#2 HB 1268, as amended, E.C. - Meiners
- 17 SS HB 1713 - Sander
- 18 SCS HCS HB 1831 - Jones (117)
- 19 SS SCS HCS HB 1764 - Diehl

#### **BILLS IN CONFERENCE**

SS SCS HB 1442, as amended, E.C. - Jones (89)

#### **SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

#### **HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HCS HB 2300 - Wilson (130)

#### **SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-FIFTH DAY, WEDNESDAY, MAY 5, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Sal E. Polizzi, St. Roch Catholic Church, St. Louis, Missouri.

BLESSED IS THE NATION WHOSE GOD IS THE LORD!

LET US BOW OUR HEAD IN PRAYER.

Heavenly Father, giver of all good gifts, You have given us this wonderful country in which we live. We seek Your grace and wisdom for our leaders that they may serve Your people with truth and justice. At this time of our lives there is such a desperate need for the elected men and women of this state to provide the leadership that is so necessary, but often times, lacking.

Businesses big and small are closing their doors; unemployment is at an all-time high; many people have lost their homes and continue to lose them; education at all levels has been affected. Heavenly Father, bless America, this country of goodness and greatness. Renew the values of our American heritage so that America will remain the country of Truth, Freedom, Justice and Peace. We stand before You and ask this in Your Name, FOR IN GOD WE TRUST!

Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Emily Fox, Logan Salva, Ian Hopper, Olivia Hopper, Megan Fox, Keylon Patterson and Rebecca Holmes.

The Journal of the sixty-fourth day was approved as printed.

## **SPECIAL RECOGNITION**

Msgr. Sal E. Polizzi was introduced by Representative Storch and recognized as an Outstanding Missourian.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 3018 through House Resolution No. 3075

### HOUSE CONCURRENT RESOLUTIONS

Representative Munzlinger offered House Concurrent Resolution No. 82.  
Representative Roorda, et al., offered House Concurrent Resolution No. 83.

### SECOND READING OF SENATE BILL

**SS SCS SB 884** was read the second time.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SS HB 1713**, relating to insurance for adopted children, was taken up by Representative Sander.

Representative Sander moved that the House refuse to adopt **SS HB 1713** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Representative Faith made a substitute motion that **SS HB 1713** be referred to the Committee on Fiscal Review pursuant to Rule 25(19).

Which motion was adopted.

**SCS HCS HB 2297, as amended**, relating to the Kansas City Zoological District, was taken up by Representative Molendorp.

Representative Molendorp moved that the House refuse to adopt **SCS HCS HB 2297, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**SS HB 1713** - Fiscal Review (Fiscal Note)

### THIRD READING OF SENATE BILLS

**HCS SB 795, as amended**, relating to animals and agriculture, was taken up by Representative Loehner.

Representative Witte offered **House Amendment No. 4**.



*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 795, Page 3, Section 261.200, Line 11, by deleting all of said line and inserting in lieu thereof the following:

**“administration of the program from which the fee was collected; except that, the provisions of this section shall not apply to any moneys credited to the fund under subdivision (2) of subsection 1 of section 311.550.”; and**

Further amend said bill, Page 24, Section 281.260, Lines 34 thru 36, by deleting all of said lines and inserting in lieu thereof the following:

**“set forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the pest and pesticide programs of the department of agriculture.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Loehner offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1*

*to*

*House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Bill No. 795, Page 1, Line 5 of said page, by inserting after all of said line the following:

‘Further amend said bill, Page 23, Section 281.260, Line 15, by inserting after the number “**261.200**” the following:

**“to be used solely to administer the pest and pesticide programs of the department of agriculture. If the funding exceeds the reasonable costs to administer the programs as set forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the pest and pesticide programs of the department of agriculture” ‘; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Loehner, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Witte, **House Amendment No. 4, as amended**, was adopted.

Representative Witte offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 795, Pages 10 and 11, Section 265.300, Lines 1 to 37, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Witte, **House Amendment No. 5** was adopted.

Representative Smith (150) offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 795, Page 3, Section 226.1120, Line 22, by inserting after all of said line the following:

**“246.310. The provisions of section 262.802 shall not apply to any drainage district or levee district formed under the laws of this state.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Smith (150), **House Amendment No. 6** was adopted.

Representative Munzlinger offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 795, Page 23, Section 273.329, Line 19, by inserting immediately after said line the following:

**“274.180. Each association organized hereunder shall pay an annual fee of ten dollars only, in lieu of all franchise or license or corporation or other taxes, or sales taxes, or taxes or charges upon reserves held by it for members.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hobbs offered **House Substitute Amendment No. 1 for House Amendment No. 7.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 795, Page 1, In the Title, Line 4, by inserting before the period at the end of said line the following:

**", and an emergency clause for a certain section"; and**

Further amend said bill, Page 23, Section 273.329, Line 19, by inserting after all of said line the following:

**"274.180. Each association organized hereunder shall pay an annual fee of ten dollars only, in lieu of all franchise or license or corporation or other taxes, or taxes, or sales taxes, or charges upon reserves held by it for members."; and**

Further amend said bill, Page 42, Section 1, Line 2, by inserting after all of said line the following:

**"Section B. Because immediate action is necessary to ensure compliance with the Missouri administrative hearing commission decision, the repeal and reenactment of section 274.180 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 274.180 of section A of this act shall be in full force and effect upon its passage and approval."; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hobbs, **House Substitute Amendment No. 1 for House Amendment No. 7** was adopted.

Representative Guernsey offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 795, Section 1, Page 42, Line 2, by inserting the following after all of said line:

**“Section 2. 1. Damages allowable for a private nuisance on property used for farming purposes as defined in sections 262.801 and 262.805 shall be as follows:**

**(1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the claimant’s property caused by the nuisance, but not to exceed the fair market value of the property;**

**(2) If the nuisance is a temporary nuisance, compensatory damages shall be measured by the diminution in the fair rental value of the property which resulted from the nuisance;**

**(3) No damages shall be awarded for annoyance, discomfort, sickness, emotional distress, or similar claims for a private nuisance.**

**2. In the event a claim for injury or damages to a person is asserted in the same proceeding as a claim for damage to the claimant’s property cause by a private nuisance, liability for such personal injury or damage shall be determined on the basis of applicable principles of tort law independent of whether the defendant’s use of property is found to constitute a nuisance.**

**3. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.**

[537.296. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Silvey moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson

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Stream	Sutherland	Thomson	Tracy	Viebrock
Wallace	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
McClanahan	McDonald	McNeil	Meadows	Meiners
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Day	Hughes	Largent	Liese	Low
Morris	Scharnhorst	Spreng	Tilley	Vogt
Wasson				

VACANCIES: 001

Representative Guernsey moved that **House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Allen	Ayres	Bivins	Brandom	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Icet	Keeney	Koenig	Lair
Leara	McGhee	McNary	Molendorp	Munzlinger
Nance	Nolte	Parkinson	Parson	Pollock
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Schoeller	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tracy
Wells	Wilson 119	Zerr	Mr Speaker	

NOES: 086

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Dixon	Dougherty	Englund	Fallert	Fischer 107

Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hummel	Jones 63	Jones 89	Jones 117
Kander	Kelly	Kingery	Kirkton	Komo
Kratky	Kraus	Kuessner	Lampe	LeBlanc
LeVota	Lipke	Loehner	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Nasheed
Newman	Nieves	Norr	Oxford	Pace
Pratt	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Still
Storch	Swinger	Talboy	Todd	Vogt
Wallace	Walton Gray	Webb	Webber	Weter
Whitehead	Wilson 130	Witte	Wright	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 012

Bruns	Day	Hughes	Largent	Liese
Low	Scharnhorst	Spreng	Tilley	Viebrock
Walsh	Wasson			

VACANCIES: 001

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 082

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tracy	Viebrock
Wallace	Wells	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo

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Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 011

Day	Funderburk	Hughes	Largent	Low
Scharnhorst	Spreng	Talboy	Tilley	Wasson
Weter				

VACANCIES: 001

On motion of Representative Loehner, **HCS SB 795, as amended**, was adopted.

On motion of Representative Loehner, **HCS SB 795, as amended**, was read the third time and passed by the following vote:

AYES: 104

Allen	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Colona	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hodges	Hoskins 121	Hummel
Icet	Jones 89	Keeney	Kelly	Kingery
Koenig	Kratky	Kraus	Kuessner	Lair
Lampe	Leara	Lipke	Loehner	McClanahan
McGhee	Meiners	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 049

Atkins	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Conway	Corcoran	Curls	Englund
Frame	Grill	Harris	Holsman	Hoskins 80
Jones 63	Kander	Kirkton	Komo	LeBlanc
LeVota	McDonald	McNary	McNeil	Meadows
Molendorp	Morris	Newman	Norr	Oxford

Pace	Roorda	Rucker	Salva	Scavuzzo
Schoemehl	Schupp	Skaggs	Still	Storch
Talboy	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Hughes	Jones 117	Largent	Liese	Low
Riddle	Scharnhorst	Spreng	Tilley	

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 126

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Calloway	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	Meadows	Meiners	Munzlinger
Nance	Nieves	Nolte	Norr	Oxford
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Todd	Viebrock	Wallace	Walsh
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Zimmerman
Mr Speaker				

NOES: 025

Atkins	Burnett	Carter	Casey	Chappelle-Nadal
Grill	Jones 63	McDonald	McNary	McNeil
Molendorp	Morris	Nasheed	Newman	Pace
Salva	Schupp	Skaggs	Spreng	Talboy
Vogt	Walton Gray	Webb	Whitehead	Yaeger

PRESENT: 000

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ABSENT WITH LEAVE: 011

Bruns	Cooper	Gatschenberger	Hughes	Keeney
Largent	Low	McGhee	Scharnhorst	Tilley
Tracy				

VACANCIES: 001

**HCS SB 739**, relating to fire department employee residency, was taken up by Representative Pratt.

On motion of Representative Pratt, **HCS SB 739** was adopted.

On motion of Representative Pratt, **HCS SB 739** was read the third time and passed by the following vote:

AYES: 136

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Lair	Lampe	Leara	LeBlanc
Liese	Lipke	Loehner	McClanahan	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Newman	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Todd	Tracy	Vogt
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 012

Bringer	Burnett	Hoskins 80	Hummel	Kuessner
LeVota	McDonald	Oxford	Skaggs	Spreng
Still	Walton Gray			

PRESENT: 000



ABSENT WITH LEAVE: 014

Ayres	Cooper	Hobbs	Hughes	Largent
Low	McGhee	Morris	Nance	Nasheed
Salva	Scharnhorst	Tilley	Viebrock	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS SCS SBs 842, 799 & 809**, relating to the MO HealthNet Program, was taken up by Representative Stream.

Representative Ictet offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Section 208.215, Page 8, Line 258, by inserting after all of said section, page, and line the following:

“660.425. 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services [under chapter 208, RSMo]. The tax is imposed upon payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo].

2. For purposes of sections 660.425 to 660.465, the following terms shall mean:

(1) "Engaging in the business of providing in-home services", all payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo];

(2) "In-home services", homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual's home and under a plan of care created by a physician, necessary to keep children out of hospitals. "In-home services" shall not include home health services as defined by federal and state law;

(3) "In-home services provider", any provider or vendor, as defined in section 208.900, RSMo, of compensated in-home services [under chapter 208, RSMo], and under a provider agreement or contracted with the department of social services or the department of health and senior services.

660.430. 1. Each in-home services provider in this state providing in-home services [under chapter 208, RSMo,] shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

2. Each in-home services provider's tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.

This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. The director of the department of social services or the director's designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465.

4. Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.

660.435. 1. For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

2. Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services [under chapter 208, RSMo,] by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider's tax due.

3. The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

4. Each in-home services provider shall report the total payments received for the provision of in-home services [under chapter 208, RSMo,] to the department of social services.

660.445. 1. The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically significant change in the in-home services provided or in the payments received for such services provided [under chapter 208, RSMo,]. The department of social services may define such adjustment criteria by rule.

660.455. 1. The in-home services tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the "In-home Services Gross Receipts Tax Fund" which is hereby created to provide payments for in-home services provided [under chapter 208, RSMo,]. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.

3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.

660.460. 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.

2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the in-home services provider and compel the payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.

3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services [under chapter 208, RSMo,] or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.

660.465. 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:

(1) Ninety days after any one or more of the following conditions are met:

(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided [under chapter 208, RSMo,] is less than the fiscal year 2010 in-home services fees reimbursement amount; or

(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or

(2) September 1, [2011] **2012**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.

2. Sections 660.425 to 660.465 shall expire on September 1, [2011] **2012**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Icet, **House Amendment No. 1** was adopted.

Representative Sater offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Section A, Page 1, Line 2, by inserting after all of said section and line the following:

“148.340. 1. Every insurance company or association not organized under the laws of this state, shall, as provided in section 148.350, quarterly pay tax upon the direct premiums received, whether in cash or in notes, in this state or on account of business done in this state, for insurance of life, property or interest in this state at the rate of two percent per annum in lieu of all other taxes, except as in sections 148.310 to 148.461 otherwise provided, which amount of taxes shall be assessed and collected as herein provided; provided, that fire and casualty insurance companies or associations shall be credited with canceled or return premiums actually paid during the year in this state, and that life insurance companies shall be credited with dividends actually declared to policyholders in this state, but held by the company and applied to the reduction of premiums payable by the policyholder.

**2. Every health maintenance organization under contract with the State of Missouri to provide services to recipients of medical assistance, not organized under the laws of this state, shall quarterly pay tax upon the direct premiums received, with such payment to be on the same terms as the insurance companies and associations described in subsection 1. Such tax shall be in addition to any other tax levied by the State. This subsection shall apply only as long as the revenues generated under this subsection are eligible for federal financial participation and payments. For the purposes of this subsection, "federal financial participation" is the federal government's share of Missouri's expenditures under the Medicaid program. This subsection shall expire June 30, 2012.**

148.350. 1. Every such company or association shall, on or before the first day of March in each year, make a return, verified by the affidavit of its president and secretary or other authorized officers, to the director of the department of insurance, financial institutions and professional registration stating the amount of all premiums received on account of policies issued in this state by such company, whether in cash or in notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns, the director of the department of insurance, financial institutions and professional registration shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in section 148.340, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments and a fifth reconciling installment. The first four installments shall be based upon the tax assessed for the immediately preceding taxable year ending on the thirty-first day of December, next preceding. The quarterly installment shall be made on the first day of March, the first day of June, the first day of September, and the first day of December. Immediately after receiving from the director of the department of insurance, financial institutions and professional registration, certification of the amount of tax due from the various companies, the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding. The director of revenue shall also notify and assess each company the amount of the estimated quarterly installments to be made for the calendar year. If the amount of the actual tax due for any year exceeds the total of the installments made for such year, the balance of the tax due shall be paid on the first day of June of the following year, together with the regular quarterly installment due at that time. If the total amount of the tax actually due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall be credited against the tax for the following year and deducted from the quarterly installment otherwise due on the first day of June. If the March first quarterly installment made by a company is less than the amount assessed by the director of revenue, the difference will be due on June first, but no interest will accrue to the state on the difference unless the amount paid by the company is less than eighty percent of one-fourth of the total amount of tax assessed by the director of revenue for the immediately preceding taxable year. If the estimated quarterly tax installments are not so paid, the director of revenue shall certify such fact to the director

of the department of insurance, financial institutions and professional registration who shall thereafter suspend such delinquent company or companies from the further transaction of business in this state until such taxes shall be paid, and such companies shall be subject to the provisions of sections 148.410 to 148.461.

3. **Except as provided in subsection 4**, upon receiving such money from the director of revenue, the state treasurer shall receipt one-half thereof into the general revenue fund of the state, and he shall place the remainder of such tax to the credit of a fund to be known as "The County Foreign Insurance Tax Fund", which is hereby created and established. All premium tax credits described in sections 135.500 to 135.529, RSMo, shall only reduce the amount of moneys received by the general revenue fund of this state and shall not reduce any moneys received by the county foreign insurance tax fund.

4. **Taxes collected from health maintenance organizations pursuant to 148.340.2 shall be deposited to the credit of the Managed Care Fund, which is hereby created and established in the state treasury.**

5. **The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The unexpended balance in the Managed Care Fund at the end of the biennium is exempt from the provisions of section 33.080, RSMo. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

148.370. 1. Every insurance company or association organized under the laws of the state of Missouri and doing business under the provisions of sections 376.010 to 376.670, 379.205 to 379.310, 379.650 to 379.790 and chapter 381, RSMo, and every mutual fire insurance company organized under the provisions of sections 379.010 to 379.190, RSMo, shall, as hereinafter provided, quarterly pay, beginning with the year 1983, a tax upon the direct premiums received by it from policyholders in this state, whether in cash or in notes, or on account of business done in this state, in lieu of the taxes imposed under the provisions of chapters 143 and 147, RSMo, for insurance of life, property or interest in this state, at the rate of two percent per annum, which amount of taxes shall be assessed and collected as hereinafter provided; provided, that fire and casualty insurance companies or associations shall be credited with canceled or returned premiums actually paid during the year in this state, and that life insurance companies shall be credited with dividends actually declared to policyholders in this state but held by the company and applied to the reduction of premiums payable by the policyholder.

2. **Every health maintenance organization organized under the laws of this State, that is under contract with the State of Missouri to provide services to recipients of medical assistance shall quarterly pay tax upon the direct premiums received, with such payment to be on the same terms as the insurance companies and associations described in subsection 1. Such tax shall be in addition to any other tax levied by the State. This subsection shall apply only as long as the revenues generated under this subsection are eligible for federal financial participation and payments. For the purposes of this subsection, "federal financial participation" is the federal government's share of Missouri's expenditures under the Medicaid program. This subsection shall expire June 30, 2012.**

148.380. 1. Every such company, on or before the first day of March in each year, shall make a return verified by the affidavit of its president and secretary, or other chief officers, to the director of the department of insurance, financial institutions and professional registration, stating the amount of all direct premiums received by it from policyholders in this state, whether in cash or in notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns the director of the department of insurance, financial institutions and professional registration shall verify the same and certify the amount of the tax due from the various companies on the basis and\* at the rate provided in section 148.370, taking into consideration deductions and credits allowed by law, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the tax for the immediately\*\* preceding taxable year ending on the thirty-first day of December, next preceding. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September and the first day of December. Immediately after receiving certification from the director of the department of insurance, financial institutions and professional registration of the amount of tax due from the various companies, the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding. The director of revenue shall also notify and assess each company the amount of the estimated quarterly installments to be made for the calendar year. If the amount of the actual tax due for any year exceeds the total of the installments made for such year, the balance

of the tax due shall be paid on the first day of June of the year following, together with the regular quarterly payment due at that time. If the total amount of the tax actually due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall be credited against the tax for the following year and deducted from the quarterly installment otherwise due on the first day of June. If the March first quarterly installment made by a company is less than the amount assessed by the director of revenue, the difference will be due on June first, but no interest will accrue to the state on the difference unless the amount paid by the company is less than eighty percent of one-fourth of the total amount of tax assessed by the director of revenue for the immediately preceding taxable year.

3. If the estimated quarterly tax installments are not so paid, the director of revenue shall notify the director of the department of insurance, financial institutions and professional registration who shall thereupon suspend such delinquent company from the further transaction of business in this state until such taxes shall be paid, and such companies shall be subject to the provisions of sections 148.410 to 148.461.

4. **Except as provided in subsection 5**, upon receipt of the money the state treasurer shall receipt one-half thereof into the general revenue fund of the state, and one-half thereof to the credit of the county foreign insurance fund for the purposes set forth in section 148.360.

**5. Taxes collected from health maintenance organizations pursuant to 148.370.2 shall be to the credit of the Managed Care Fund, established under 148.350 RSMo.**

208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any

prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except **for hospital outpatient services or** the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

12. An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5."; and

Further amend said bill, Section 208.215, Page 8, Line 258, by inserting after all of said section and line the following:

"208.453. Every hospital as defined by section 197.020, RSMo, except [public hospitals which are operated primarily for the care and treatment of mental disorders and] any hospital operated by the department of health and senior services, shall, in addition to all other fees and taxes now required or paid, pay a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. For the purpose of this section, the phrase "engaging in the business of providing inpatient health care in this state" shall mean accepting payment for inpatient services rendered. The federal reimbursement allowance to be paid by a hospital which has an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or operated by the board of curators, as defined in chapter

172, RSMo, may be eliminated by the director of the department of social services. The unsponsored care ratio shall be calculated by the department of social services.

208.895. 1. Upon receipt of a properly completed referral for MO HealthNet-funded home- and community-based care containing a nurse assessment or physician's order, the department of health and senior services [shall] **may**:

- (1) Review the recommendations regarding services and process the referral within fifteen business days;
- (2) Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;
- (3) Arrange for the provision of services by an in-home provider;
- (4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;
- (5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;
- (6) Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; and
- (7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days.

**2. The department of health and senior services may contract for initial home and community based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:**

- (1) Within fifteen days of receipt of a referral for service, the contractor shall have made an assessment of care need and developed a plan of care; and**
- (2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.**

**The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.**

**3. The two nurse visits authorized by section 660.300.16, RSMo shall continue to be performed by home and community based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third party assessor. In the event of dispute over the level of care required, the third party assessor will conduct a face to face review with the client in question.**

208.909. 1. Consumers receiving personal care assistance services shall be responsible for:

- (1) Supervising their personal care attendant;
- (2) Verifying wages to be paid to the personal care attendant;
- (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;
- (4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer's place of residence; [and]
- (5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; **and**

**(6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number.**

2. Participating vendors shall be responsible for:

- (1) Collecting time sheets **or reviewing reports of delivered services** and certifying [their] **the** accuracy thereof;
- (2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;
- (3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;
- (4) Monitoring the performance of the personal care assistance services plan.



3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer's household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who is listed on any of the background check lists in the family care safety registry under sections 210.900 to 210.937, RSMo, unless a good cause waiver is first obtained from the department in accordance with section 660.317, RSMo.

**5. (1) All vendors shall, by July 1, 2012, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. Use of such a system prior to July 1, 2012, shall be voluntary. The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system shall:**

- (a) Record the exact date services are delivered;**
- (b) Record the exact time the services begin and exact time the services end;**
- (c) Verify the telephone number from which the services are registered;**
- (d) Verify that the number from which the call is placed is a telephone number unique to the client;**
- (e) Require a personal identification number unique to each personal care attendant; and**
- (f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service;**
- (g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.**

**(2) As new technology becomes available, the department may allow use of a more advanced tracking system, provided that such system is at least as capable of meeting the requirements of this subsection.**

**(3) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

208.918. 1. In order to qualify for an agreement with the department, the vendor shall have a philosophy that promotes the consumer's ability to live independently in the most integrated setting or the maximum community inclusion of persons with physical disabilities, and shall demonstrate the ability to provide, directly or through contract, the following services:

- (1) Orientation of consumers concerning the responsibilities of being an employer, supervision of personal care attendants including the preparation and verification of time sheets;
- (2) Training for consumers about the recruitment and training of personal care attendants;
- (3) Maintenance of a list of persons eligible to be a personal care attendant;
- (4) Processing of inquiries and problems received from consumers and personal care attendants;
- (5) Ensuring the personal care attendants are registered with the family care safety registry as provided in sections 210.900 to 210.937, RSMo; and
- (6) The capacity to provide fiscal conduit services through a telephone tracking system by the date required under section 208.909.**

2. In order to maintain its agreement with the department, a vendor shall comply with the provisions of subsection 1 of this section and shall:

- (1) Demonstrate sound fiscal management as evidenced on accurate quarterly financial reports and annual audit submitted to the department; and
- (2) Demonstrate a positive impact on consumer outcomes regarding the provision of personal care assistance services as evidenced on accurate quarterly and annual service reports submitted to the department;
- (3) Implement a quality assurance and supervision process that ensures program compliance and accuracy of records; and
- (4) Comply with all provisions of sections 208.900 to 208.927, and the regulations promulgated thereunder.

**660.023. 1. All in-home services provider agencies shall, by July 1, 2012, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of home and community based services as authorized by the department of health and senior services or its designee. Use of such system prior to July 1, 2012, shall be voluntary. At a minimum, the telephone tracking system shall:**

- (1) Record the exact date services are delivered;**
- (2) Record the exact time the services begin and exact time the services end;**
- (3) Verify the telephone number from which the services were registered;**
- (4) Verify that the number from which the call is placed is a telephone number unique to the client;**
- (5) Require a personal identification number unique to each personal care attendant; and**
- (6) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service.**

**2. The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division.**

**3. The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**4. As new technology becomes available, the department may allow use of a more advance tracking system, provided that such system is at least as capable of meeting the requirements listed in subsection 1 of this section.**

**660.300. 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.**

**2. When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.**

**3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.**

**4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.**

**5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.**

**6. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.**

**7. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file**

a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

8. Reports shall be confidential, as provided under section 660.320.

9. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

10. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he has reasonable cause to believe has been committed or has occurred.

12. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184, RSMo. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

13. The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

14. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 660.315, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

15. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536, RSMo. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care.

The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

16. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one

hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

17. All in-home services clients shall be advised of their rights by the department **or the department's designee** at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. **The department may contract for services relating to receiving such complaints.** The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

18. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300 shall be reimbursed to the in-home services provider agency.

Section B. Because immediate action is necessary to preserve state services, the repeal and reenactment of sections 148.340, 148.350, 148.370, 148.380, 208.010, and 208.453 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 148.340, 148.350, 148.370, and 148.380 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## Representative Cooper offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 8, Line 14, by inserting after all of said line the following:

“208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant

is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

**(7) Diabetic education and initial diabetic management training services. Such services shall be limited to two visits for diabetic training that shall include an initial consultation and one follow-up visit;**

**(8)** Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

**[(8)] (9)** Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

**[(9)] (10)** Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

**[(10)] (11)** Home health care services;

**[(11)] (12)** Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

**[(12)] (13)** Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

**[(13)] (14)** Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

**[(14)] (15)** Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198, RSMo, shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

**[(15)] (16)** Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097, RSMo. The department of mental health shall establish by administrative rule the definition and criteria for designation

as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

[(16)] (17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

[(17)] (18) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, RSMo, and regulations promulgated thereunder;

[(18)] (19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

[(19)] (20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

[(20)] (21) Hospice care. As used in this [subsection] **subdivision**, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness,

and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

[(21)] **(22)** Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

[(22)] **(23)** Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

[(23)] **(24)** The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

- (1) Dental services;
- (2) Services of podiatrists as defined in section 330.010, RSMo;
- (3) Optometric services as defined in section 336.010, RSMo;
- (4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;
- (5) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, RSMo, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this

section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the Missouri MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(c) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(c).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, RSMo, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178, RSMo, shall not be considered as income for purposes of determining eligibility under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McClanahan raised a point of order that **House Amendment No. 1 to House Amendment No. 2** was not timely distributed.

The Chair ruled the point of order not well taken.

On motion of Representative Cooper, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Jones (63) offered **House Amendment No. 2 to House Amendment No. 2**.



*House Amendment No. 2*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 10, Line 19, by deleting the year “2012” and inserting in lieu thereof the year “2015”; and

Further amend said amendment, Page 10, Line 35, by inserting after the number “(2)” the following:

**“The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.”** and renumber subsequent subsections accordingly; and

Further amend said amendment, Page 11, Line 6, by inserting after all of said line the following:

**“6. The telephony report issued to the General Assembly and governor, in the event where consensus between centers for independent living and representatives from the executive branch cannot be convened, shall include a minority report which will detail those elements of substantial descent from the main report.**

**7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bare the full cost of the pilot program.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Pratt assumed the Chair.

On motion of Representative Jones (63), **House Amendment No. 2 to House Amendment No. 2** was adopted.

Representative Atkins offered **House Amendment No. 3 to House Amendment No. 2.**

Representative Funderburk raised a point of order that **House Amendment No. 3 to House Amendment No. 2** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Storch offered **House Amendment No. 4 to House Amendment No. 2.**

*House Amendment No. 4*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 9, Line 26, by inserting after all of said line the following:

**“4. The provisions of this section shall expire three years after the effective date of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Storch, **House Amendment No. 4 to House Amendment No. 2** was adopted.

Representative Schupp offered **House Amendment No. 5 to House Amendment No. 2**.

*House Amendment No. 5  
to  
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 9, Line 13, by deleting all of said line and inserting in lieu thereof the following:

**“based assessments, including a care plan, for each geographic region identified by the department, through an independent third-party assessor that resides in the same geographic region. The contract shall”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schupp moved that **House Amendment No. 5 to House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Iceet	Jones 89
Jones 117	Keeney	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo

Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 010

Flanigan	Gatschenberger	Hughes	Kingery	Low
Salva	Scharnhorst	Thomson	Tilley	Webb

VACANCIES: 001

On motion of Representative Sater, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 072

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Burlison	Colona	Cooper	Cox
Curls	Davis	Day	Dethrow	Dieckhaus
Diehl	Dusenberg	Emery	Ervin	Faith
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guest	Hoskins 121	Ice	Jones 63	Jones 89
Jones 117	Kander	Kelly	Kingery	Koenig
Kraus	Kuessner	Largent	Leara	Loehner
McNary	McNeil	Molendorp	Nieves	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Schlottach	Schoeller	Schoemehl	Self	Skaggs
Smith 14	Stevenson	Stream	Thomson	Viebrock
Wallace	Weter	Whitehead	Wilson 130	Zerr
Zimmerman	Mr Speaker			

NOES: 070

Atkins	Biermann	Bringer	Brown 50	Burnett
Carter	Casey	Chappelle-Nadal	Conway	Deeken
Denison	Dixon	Dugger	Englund	Fallert
Fischer 107	Fisher 125	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Keeney
Kirkton	Komo	Kratky	Lair	Lampe
LeBlanc	LeVota	Liese	Lipke	McClanahan
McDonald	Meadows	Meiners	Morris	Munzlinger
Nance	Newman	Nolte	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schupp	Shively	Silvey	Smith 150
Spreng	Still	Sutherland	Swinger	Todd
Vogt	Walsh	Walton Gray	Wasson	Webber
Wells	Wilson 119	Witte	Wright	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 020

Brown 149	Bruns	Calloway	Corcoran	Cunningham
Dougherty	Grisamore	Guernsey	Hobbs	Hughes
Low	McGhee	Nasheed	Salva	Scharnhorst
Storch	Talboy	Tilley	Tracy	Webb

VACANCIES: 001

### Representative Molendorp offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 8, Section 208.215, Line 258, by inserting after all of said the following:

**“Section 1. No contract between a health carrier or health benefit plan, and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to an insured in the dental plan at a fee established by the health carrier or health benefit plan if such dental services are not covered services under the dental plan.**

**2. For purposes of this section, the following terms shall mean:**

- (1) “Covered services”, services reimbursable under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiter periods, or frequency limitations;**
- (2) “Dental Plan”, any policy or contract of insurance which provides for coverage of dental services;**
- (3) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;**
- (4) “Health carrier”, the same meaning as such term is defined in section 376.1350.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Molendorp, **House Amendment No. 3** was adopted.

### Representative Nance offered **House Amendment No. 4.**

#### *House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 8, Section 208.215, Line 258, by inserting after all of said line:

**“Section 1. 1. For each school year beginning July 1, 2010, the department of social services shall provide all state licensed child-care providers who receive state or federal funds under section 210.027 and all public school districts in this state with written information regarding eligibility criteria and application procedures for the state children's health insurance program (SCHIP) authorized in sections 208.631 to 208.657, to be distributed by the child-care providers or school districts to parents and guardians at the time of enrollment of their children in child-care or school, as applicable.**

**2. The department of elementary and secondary education shall add an attachment to the application for the free and reduced lunch program for a parent or guardian to check a box indicating yes or no whether each child in the family has health care insurance. If any such child does not have health care insurance, and the parent or guardian's household income does not exceed the highest income level under 42 U.S.C. Section 1397CC, as amended, the school district shall provide a notice to such parent or guardian that the uninsured child may qualify for health insurance under SCHIP.**

**3. The notice described in subsection 2 shall be developed by the department of social services and shall include information on enrolling the child in the program. No notices relating to the state children's health**

insurance program shall be provided to a parent or guardian under this section other than the notices developed by the department of social services under this section.

4. Notwithstanding any other provision of law to the contrary, no penalty shall be assessed upon any parent or guardian who fails to provide or provides any inaccurate information required under this section.

5. The department of elementary and secondary education and the department of social services may adopt rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

6. The department of elementary and secondary education, in collaboration with the department of social services, shall report annually to the governor and the house budget committee chair and the senate appropriations committee chair on the following:

- (1) The number of families in each district receiving free lunch and reduced lunches;
- (2) The number of families who indicate the absence of health care insurance on the application for free and reduced lunches;
- (3) The number of families who received information on the state children's health insurance program under this section; and
- (4) The number of families who received the information in subdivision (3) of this subsection and applied to the state children's health insurance program.

Section B. Because immediate action is necessary to ensure the health of a vulnerable population and to synchronize the issuance of information with the beginning of the school year, the enactment of Section 1 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of Section 1 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nance, **House Amendment No. 4** was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayes	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson

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Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 005

Hughes	Low	Salva	Scharnhorst	Tilley
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VACANCIES: 001

On motion of Representative Stream, **HCS SCS SBs 842, 799 & 809, as amended**, was adopted.

On motion of Representative Stream, **HCS SCS SBs 842, 799 & 809, as amended**, was read the third time and passed by the following vote:

AYES: 087

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Conway
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Kraus	Kuessner
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schlottach	Schoeller
Self	Silvey	Smith 14	Stevenson	Stream

Thomson	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Zerr	Mr Speaker			

NOES: 067

Atkins	Biermann	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Fisher 125	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Kander
Kirkton	Komo	Kratky	Lampe	LeBlanc
LeVota	Liese	McClanahan	McDonald	Meadows
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Smith 150	Spreng	Still	Storch
Sutherland	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Witte	Wright
Yaeger	Zimmerman			

PRESENT: 002

McNeil	Swinger
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ABSENT WITH LEAVE: 006

Grisamore	Hughes	Low	Salva	Scharnhorst
Tilley				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 38**.

With Senate Committee Amendment No. 1.

#### *Senate Committee Amendment No. 1*

AMEND House Concurrent Resolution No. 38, Senate Journal 2-15-10, Page 325, Line 21, by inserting immediately after "Senate," the following:

"the Minority Leader of the United States House of Representatives, the Minority Leader of the United States Senate,".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS#2 HB 1472**, entitled:

An act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions and an emergency clause.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Committee Substitute No. 2 for House Bill No. 1472, Page 19, Section 195.017, Line 645, by inserting after all of said line the following:

"195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.

2. Any person who violates this section with respect to any controlled substance except thirty-five grams or less of marijuana, **Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47,497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol**, where side chain n=5, and homologues where side chain n-4,6, or 7 is guilty of a class C felony.

3. Any person who violates this section with respect to not more than thirty-five grams of marijuana, **Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47,497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol**, where side chain n=5, and homologues where side chain n-4,6, or 7 is guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1516**, entitled:

An act to repeal sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, and to enact in lieu thereof eight new sections for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1750**, entitled:

An act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

With Senate Amendment No. 1.



*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1750, Page 2, Section 392.605, Line 4, by striking the words "December 31, 2010" and inserting in lieu thereof the following: "**March 1, 2011**"; and

Further amend Lines 5-6 of said page, by striking the words "December thirty-first" and inserting in lieu thereof the following:

**"March first"**; and

Further amend said line by inserting at the end of said line the following:

**"Between January fifteenth and January thirtieth of each year following a rate reduction required under this section, any company whose intrastate rates have been impacted by the requirements of this section shall submit a report to the chairperson of the house standing committee selected by the speaker of the house of representatives and the chairperson of the senate standing committee selected by the president pro tem of the senate which report shall describe the company's activities with regard to quality of consumer service, build-out of telecommunications infrastructure, and any other non-proprietary matters requested by the chairpersons of the committees as well as the financial impact of the provisions of this section on the company."**

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1858**, entitled:

An act to repeal sections 161.415 and 640.240, RSMo, and to enact in lieu thereof two new sections relating to scholarships to be administered by the department of higher education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 2262 & 2264**, entitled:

An act to amend chapter 41, RSMo, by adding thereto two new sections relating to the Missouri youth challenge academy, with an emergency clause.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 2262 & 2264, Page 1, Section 41.206, Line 1, by striking the word "shall" and inserting in lieu thereof the following: "**may**".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2297, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 2297, as amended**: Senators Wilson, Keaveny, Shields, Pearce and Vogel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 605, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 733, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 739** and has taken up and passed **HCS SB 739**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 754, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 851** and has taken up and passed **HCS SB 851**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 987, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

## HOUSE BILL WITH SENATE AMENDMENTS

**SS SCS HCS HB 1750, as amended**, relating to telecommunications access rates, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **SS SCS HCS HB 1750, as amended**, was adopted by the following vote:

AYES: 145

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton

Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 009

Atkins	Dethrow	Harris	McNeil	Oxford
Pace	Scavuzzo	Shively	Witte	

PRESENT: 000

ABSENT WITH LEAVE: 008

Hoskins 80	Hughes	Low	Salva	Scharnhorst
Stevenson	Tilley	Vogt		

VACANCIES: 001

On motion of Representative Jones (89), **SS SCS HCS HB 1750, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker

Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Tracy	Viebrock	Vogt	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 130	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 007

Dethrow	Harris	Oxford	Scavuzzo	Wallace
Wilson 119	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 007

Gatschenberger	Hughes	Low	Salva	Scharnhorst
Stevenson	Tilley			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### **BILLS CARRYING REQUEST MESSAGES**

**HCS SCS SB 754, as amended**, relating to professional registration, was taken up by Representative Wasson.

Representative Wasson moved that the House refuse to recede from its position on **HCS SCS SB 754, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SS SCS SB 605, as amended**, relating to county classifications and sales tax, was taken up by Representative Stevenson.

Representative Stevenson moved that the House refuse to recede from its position on **HCS SS SCS SB 605, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 733, as amended**, relating to higher education student assistance, was taken up by Representative Kingery.

Representative Kingery moved that the House refuse to recede from its position on **HCS SCS SB 733, as amended**, and grant the Senate a conference.

Which motion was adopted.

**THIRD READING OF SENATE BILL**

**HCS SCS SBs 842, 799 & 809, as amended**, relating to the MO HealthNet Program, was again taken up by Representative Stream.

Representative Stream moved for the adoption of the emergency clause on **HCS SCS SBs 842, 799 & 809, as amended**.

Which motion was adopted by the following vote:

AYES: 139

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Grill	Guernsey	Guest
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	McClanahan	McDonald
McGhee	McNary	McNeil	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 010

Burnett	Davis	Dethrow	Ervin	Harris
Meadows	Oxford	Schad	Spreng	Webber

PRESENT: 000

ABSENT WITH LEAVE: 013

Corcoran	Dougherty	Gatschenberger	Grisamore	Hughes
Loehner	Low	Meiners	Salva	Scharnhorst
Tilley	Vogt	Wells		

VACANCIES: 001

## REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**HCS SB 686** - Fiscal Review (Fiscal Note)

**HCS SB 981** - Fiscal Review (Fiscal Note)

**SS SCS SB 884** - Special Standing Committee on General Laws

## COMMITTEE REPORTS

**Special Standing Committee on Children and Families**, Chairman Davis reporting:

Mr. Speaker: Your Special Standing Committee on Children and Families, to which was referred **SB 693**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Health Insurance**, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **SB 894**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

The following members' presence was noted: Low and Scharnhorst.

## ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Thursday, May 6, 2010.

## COMMITTEE MEETINGS

### ELEMENTARY AND SECONDARY EDUCATION

Thursday, May 6, 2010, Hearing Room 7 upon morning adjournment.  
Executive session will be held.

### FISCAL REVIEW

Thursday, May 6, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

### HIGHER EDUCATION

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 5.  
Executive session.  
Public hearing to be held on: SS SJR 44, SS#3 SCS SJR 45

INTERNATIONAL TRADE AND IMMIGRATION

Thursday, May 6, 2010, House Chamber south gallery upon morning adjournment.

This will be an Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Thursday, May 6, 2010, 9:00 a.m. Hearing Room 4.

Any bills referred to committee.

Possible Executive session.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 7.

Executive session.

SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 845

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Thursday, May 6, 2010, Hearing Room 6 upon morning adjournment.

Executive session may follow.

Public hearing to be held on: SB 1026

TAX REFORM

Thursday, May 6, 2010, 9:00 a.m. Hearing Room 6.

Executive session may be held.

Public hearing to be held on: SB 945

**HOUSE CALENDAR**

SIXTY-SIXTH DAY, THURSDAY, MAY 6, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)

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- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis
- 23 HB 2255 - Jones (89)

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 67, (4-29-10, Pages 1179-1182) - Sutherland
- 2 HCR 79, (4-27-10, Pages 1097-1098) - Webb

**SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617 - Emery
- 2 SB 771 - Wilson (119)
- 3 HCS SCS SB 774 - Riddle
- 4 HCS SCS SB 777 - Jones (89)
- 5 HCS SB 791, E.C. - Emery
- 6 HCS SB 686, (Fiscal Review 5-5-10), E.C. - Sutherland
- 7 HCS#2 SCS SB 778, E.C. - McGhee



- 8 HCS SCS SB 808, E.C. - Sutherland
- 9 HCS#2 SB 848, E.C. - Loehner
- 10 HCS SS SCS SB 920 - Stevenson
- 11 HCS SB 981, (Fiscal Review 5-5-10), E.C. - Sutherland

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 HCS HB 1977, SA1, SA2 - Wasson
- 10 SS SCS HB 2317, as amended, E.C. - Tracy
- 11 SCS HB 1392 - Kirkton
- 12 SCS HB 1892 - Nasheed
- 13 SS HCS HB 1848 - Holsman
- 14 SCS HCS HB 1903, E.C. - Icet
- 15 SS#2 HB 1268, as amended, E.C. - Meiners
- 16 SS HB 1713, (Fiscal Review 5-5-10) - Sander
- 17 SCS HCS HB 1831 - Jones (117)
- 18 SS SCS HCS HB 1764 - Diehl
- 19 HCS#2 HB 1472, SA 1, E.C. - Franz
- 20 HCS HBs 2262 & 2264, SA 1, E.C. - Day
- 21 SCS HCS HB 1516 - Smith (150)
- 22 SCS HCS HB 1858 - Zimmerman
- 23 HCR 38, SCA 1 - Icet

#### **BILLS CARRYING REQUEST MESSAGES**

HCS SB 987, as amended, (request House recede/grant conference), E.C. - Hobbs

#### **BILLS IN CONFERENCE**

- 1 SS SCS HB 1442, as amended, E.C. - Jones (89)
- 2 SCS HCS HB 2297, as amended - Molendorp
- 3 HCS SCS SB 754, as amended - Wasson
- 4 HCS SS SCS SB 605, as amended, E.C. - Stevenson
- 5 HCS SCS SB 733, as amended, E.C. - Kingery

**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen
- 4 SCR 51, (3-31-10, Pages 815-817) - Munzlinger
- 5 SCR 56, (4-27-10, Pages 1111-1112) - Bivins

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-SIXTH DAY, THURSDAY, MAY 6, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

*Today is the fifty-ninth annual National Day of Prayer*

In union with all in our Nation who would call upon God, let us pray.

"The Lord is good, a refuge on the day of distress;  
He takes care of those who have recourse to him."  
*(Nahum 1:7)*

Holy Lord, You are all-good! We thank You for Your personal care for us and for all the blessings in our lives.

We pray for all the people of our Nation for whom this is a day of distress: for those suffering from the oil well disaster near the Gulf Coast, for those suffering from flood waters in Tennessee, for those who live in fear of violence or of poverty.

Raise up neighbors to help them. Show us how, through the work of our elected office, to be that neighbor of those in need of justice or in special need of our assistance. God bless all members of this Assembly with strength and wisdom for the work of this day.

To You, our Lord and God, be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Will Gorski, Madison Ward, Charlie Pitcher, Alex Kempainer, Taylor Anderson, Nate Techkman and Michael Tucciarone.

The Journal of the sixty-fifth day was approved as printed by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Conway	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dougherty	Dugger	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Guernsey	Guest	Harris	Hobbs

Hodges	Holsman	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 010

Burnett	Colona	Kander	LeVota	Low
Roorda	Skaggs	Talboy	Vogt	Webber

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Calloway	Cooper	Corcoran	Dixon
Dusenberg	Funderburk	Grisamore	Hoskins 80	Hughes
Loehner	Self			

VACANCIES: 001

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3076 through House Resolution No. 3184

## HOUSE CONCURRENT RESOLUTION

Representative Davis, et al., offered House Concurrent Resolution No. 84.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 686** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 981** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was returned **HCS SB 844**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 583**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 741**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SB 844**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 940**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**THIRD READING OF SENATE BILLS**

**HCS SCS SB 774**, relating to the Department of Mental Health, was taken up by Representative Riddle.

Representative Riddle moved that **HCS SCS SB 774** be adopted.

Which motion was defeated.

On motion of Representative Riddle, **SCS SB 774** was truly agreed to and finally passed by the following vote:

AYES: 156

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberger
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc

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LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Corcoran	Frame	Hobbs	Hoskins 80	Hughes
Wasson				

VACANCIES: 001

Speaker Richard declared the bill passed.

**SB 771**, relating to depositories for county funds, was taken up by Representative Wilson (119).

On motion of Representative Wilson (119), **SB 771** was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Colona	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Ice
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger

Nance	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Burnett	Chappelle-Nadal	Cooper	Corcoran	Fisher 125
Hoskins 80	Hughes	Kander	Low	McDonald
Nolte	Wasson			

VACANCIES: 001

Speaker Richard declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SCS SB 605, as amended**: Senators Mayer, Crowell, Vogel, Shoemyer and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 733, as amended**: Senators Pearce, Rupp, Schaefer, Days and Barnitz.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 754, as amended**: Senators Dempsey, Scott, Pearce, Justus and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2016**, entitled:

An act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated

to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the House is respectfully requested.

### HOUSE BILL WITH SENATE AMENDMENTS

**SCS HCS HB 2016**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **SCS HCS HB 2016** was adopted by the following vote:

AYES: 117

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Carter	Chappelle-Nadal	Colona	Conway	Corcoran
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Grill	Guest	Harris	Hodges	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Stevenson
Still	Storch	Stream	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Wasson	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 034

Atkins	Brown 30	Burlison	Casey	Davis
Dethrow	Dugger	Dusenberg	Ervin	Flook
Grisamore	Guernsey	Jones 63	Keeney	Koenig
Kraus	LeVota	Low	Meadows	Newman
Oxford	Pace	Pratt	Roorda	Schaaf
Schoeller	Skaggs	Smith 150	Spreng	Vogt
Walton Gray	Webb	Whitehead	Zimmerman	

PRESENT: 000



ABSENT WITH LEAVE: 011

Burnett	Calloway	Cooper	Cox	Hobbs
Holsman	Hoskins 80	Hughes	Quinn	Sutherland
Wallace				

VACANCIES: 001

On motion of Representative Icet, **SCS HCS HB 2016** was truly agreed to and finally passed by the following vote:

AYES: 116

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Carter	Chappelle-Nadal	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dougherty	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Grill	Guest	Harris	Hodges	Holsman
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Kander	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Leara
LeBlanc	Liese	Lipke	Lochner	McClanahan
McDonald	McGhee	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Stevenson
Still	Storch	Stream	Swinger	Thomson
Tilley	Todd	Viebrock	Wallace	Walsh
Wasson	Webber	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 038

Atkins	Brown 30	Burlison	Burnett	Casey
Davis	Dethrow	Dugger	Dusenberg	Ervin
Flook	Grisamore	Guernsey	Jones 63	Keeney
Koenig	Kraus	LeVota	Low	Meadows
Newman	Oxford	Pace	Pratt	Roorda
Schaaf	Schoeller	Skaggs	Smith 150	Spreng
Sutherland	Talboy	Tracy	Vogt	Walton Gray
Webb	Whitehead	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway  
Hughes

Colona  
Largent

Dixon  
McNary

Hobbs

Hoskins 80

VACANCIES: 001

Speaker Richard declared the bill passed.

### THIRD READING OF SENATE BILL

**HCS SS SCS SBs 586 & 617**, relating to sexually oriented businesses, was taken up by Representative Emery.

Speaker Pro Tem Pratt assumed the Chair.

Representative Dougherty offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 586 & 617, Page 8, Section 573.540, Lines 4-5, by deleting all of said lines and inserting in lieu thereof the following:

**“regulation of sexually oriented businesses or similar adult oriented businesses.”; and**

Further amend said page and section, Lines 9-10, by deleting all of said lines and inserting in lieu thereof the following:

**“businesses.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS SS SCS SBs 586 & 617, with House Amendment No. 1, pending**, was laid over.

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### SUPPLEMENTAL CALENDAR

**MAY 6, 2010**

### SENATE BILLS FOR THIRD READING

HCS#2 SB 844 - Jones (89)

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On motion of Representative Tilley, the House recessed until 1:00 p.m.

# AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

## MOTION

Representative Tilley moved that Rule 62 be suspended.

Representative LeVota made a substitute motion that the House go to the order of business “Senate Bills Taken From Committee Per Constitution - Informal” and take up **SS#2 SCS SB 577**.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 89	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 064

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Lampe
LeVota	Liese	Low	McClanahan	McNeil
Meadows	Meiners	Morris	Nasheed	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

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ABSENT WITH LEAVE: 012

Brown 50	Hoskins 80	Hughes	Jones 117	Kuessner
LeBlanc	McDonald	Salva	Spreng	Storch
Viebrock	Vogt			

VACANCIES: 001

Representative LeVota again moved that the House take up **SS#2 SCS SB 577**.

Which motion was defeated by the following vote:

AYES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McNeil	Meadows	Meiners	Morris
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

NOES: 089

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 004

Hoskins 80	Hughes	LeBlanc	McDonald
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VACANCIES: 001

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McNeil	Meadows	Meiners	Morris
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 004

Hoskins 80	Hughes	LeBlanc	McDonald
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VACANCIES: 001

Representative Tilley again moved that Rule 62 be suspended.

Which motion was adopted by the following vote:

AYES: 088

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 003

Hoskins 80	Hughes	LeBlanc
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VACANCIES: 001

### THIRD READING OF SENATE BILLS

**HCS#2 SB 844**, relating to ethical administration of public institutions and officials, was taken up by Representative Jones (89).

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 89	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 001

Rucker

ABSENT WITH LEAVE: 007

Hoskins 80	Hughes	Jones 117	LeBlanc	Pollock
Spreng	Vogt			

VACANCIES: 001

On motion of Representative Jones (89), **HCS#2 SB 844** was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Iceet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 004

Hoskins 80	Hughes	Kraus	LeBlanc
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VACANCIES: 001



On motion of Representative Jones (89), **HCS#2 SB 844** was read the third time and passed by the following vote:

AYES: 088

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 003

Hoskins 80	Hughes	LeBlanc
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VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

**HCS SS SCS SBs 586 & 617, with House Amendment No. 1, pending**, relating to sexually oriented businesses, was again taken up by Representative Emery.

Representative Vogt raised a point of order that the Joint Committee on Legislative Research had not yet held a hearing in response to the challenge on the fiscal note for **HCS SS SCS SBs 586 & 617**.

The Chair ruled the point of order not well taken.

**HCS SS SCS SBs 586 & 617, with House Amendment No. 1, pending**, was laid over.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**HCS SCS SB 733:** Representatives Kingery, Thomson, Hobbs, Schoemehl and Schupp

**HCS SCS SB 754:** Representatives Day, Wells, Wasson, Dougherty and Webb

### **THIRD READING OF SENATE BILL**

**HCS SS SCS SBs 586 & 617, with House Amendment No. 1, pending**, relating to sexually oriented businesses, was again taken up by Representative Emery.

Representative Dougherty moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 033

Atkins	Aull	Burnett	Chappelle-Nadal	Colona
Curls	Dieckhaus	Dougherty	Guest	Holsman
Jones 63	Kelly	LeVota	Liese	Low
McDonald	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Roorda	Schupp	Spreng
Talboy	Tilley	Vogt	Wallace	Walton Gray
Webb	Webber	Whitehead		

NOES: 122

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Conway	Cooper
Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Diehl	Dixon
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hobbs	Hodges	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kingery	Kirkton	Koenig	Komo

Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Lipke	Loehner	McClanahan
McGhee	McNary	McNeil	Meadows	Molendorp
Munzlinger	Nance	Newman	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Todd	Tracy	Viebrock
Walsh	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Franz	Funderburk	Hoskins 80	Hughes
LeBlanc	Salva			

VACANCIES: 001

## Representative Holsman offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 586 & 617, Page 2, Section 573.525, Line 30, by inserting after all of said line the following:

**"3. The provisions of sections 573.525 to 573.537 shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Holsman moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 035

Atkins	Aull	Brown 50	Burnett	Calloway
Chappelle-Nadal	Colona	Conway	Curls	Dieckhaus
Dougherty	Guest	Holsman	Hummel	Jones 63
Kelly	LeVota	Liese	Low	McDonald
Meiners	Morris	Nasheed	Newman	Oxford
Pace	Roorda	Skaggs	Talboy	Tilley
Wallace	Walton Gray	Webb	Webber	Whitehead

NOES: 119

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Carter	Casey	Cooper	Corcoran	Cox
Cunningham	Davis	Dav	Deeken	Denison

Dethrow	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Gatschenberger	Grisamore	Guernsey	Harris	Hobbs
Hodges	Hoskins 121	Icet	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Lipke	Loehner
McClanahan	McGhee	McNary	McNeil	Meadows
Molendorp	Munzlinger	Nance	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Todd
Tracy	Viebrock	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 008

Franz	Funderburk	Grill	Hoskins 80	Hughes
LeBlanc	Salva	Vogt		

VACANCIES: 001

### Representative Meiners offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 586 & 617, Section 573.528, Pages 4-5, Lines 80-94, by deleting all of said lines and renumber subsequent subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HCS SS SCS SBs 586 & 617, with House Amendment No. 3,** pending, was laid over.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like Committee from the Senate on the following bill:

**HCS SS SCS SB 605:** Representatives Stevenson, Jones (89), Brown (30), Kuessner and Quinn

### THIRD READING OF SENATE BILL

**HCS SS SCS SBs 586 & 617, with House Amendment No. 3, pending**, was again taken up by Representative Emery.

Representative Meiners moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Atkins	Aull	Brown 50	Bruns	Burnett
Carter	Chappelle-Nadal	Colona	Conway	Corcoran
Cunningham	Day	Dieckhaus	Diehl	Dougherty
Fallert	Grill	Guest	Hobbs	Holsman
Hummel	Jones 63	Jones 89	Kander	Kelly
Kirkton	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McDonald	McNary	McNeil
Meadows	Meiners	Morris	Newman	Norr
Oxford	Pace	Roorda	Rucker	Schaaf
Scharnhorst	Schoemehl	Schupp	Skaggs	Still
Storch	Sutherland	Talboy	Tilley	Tracy
Vogt	Wallace	Walsh	Walton Gray	Webber
Whitehead	Yaeger	Zimmerman		

NOES: 088

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Burlison	Casey
Cooper	Cox	Davis	Deeken	Denison
Dethrow	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Gatschenberger	Grisamore
Guernsey	Harris	Hodges	Hoskins 121	Icet
Jones 117	Keeney	Kingery	Koenig	Komo
Kraus	Lair	Largent	Leara	Lipke
Loehner	McClanahan	McGhee	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schad
Schieffer	Schlottach	Schoeller	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Stream
Swinger	Thomson	Todd	Viebrock	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 011

Calloway	Curls	Franz	Funderburk	Hoskins 80
Hughes	LeBlanc	Nasheed	Salva	Spreng
Webb				

VACANCIES: 001

Representative Burnett requested a division of the question on **HCS SS SCS SBs 586 & 617**.

**HCS SS SCS SBs 586 & 617, with Part I, Part II, Part III and Part IV, pending**, was laid over.

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SCS SB 583** - Fiscal Review (Fiscal Note)

**HCS SB 741** - Fiscal Review (Fiscal Note)

### **COMMITTEE REPORTS**

**Committee on Crime Prevention**, Chairman Lipke reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **SCS SB 829**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elections**, Chairman Deeken reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 581**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SCS SB 815**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Health Care Policy**, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SS SB 1007**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCR 31**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Governmental Accountability and Ethics Reform,**  
Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Governmental Accountability and Ethics Reform, to which was referred **SCS SBs 991 & 645**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Professional Registration and Licensing,** Chairman Wasson reporting:

Mr. Speaker: Your Special Standing Committee on Professional Registration and Licensing, to which was referred **SCS SB 616**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 1311 & 1341**, entitled:

An act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to the treatment of autism spectrum disorders, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HBs 1408 & 1514**, entitled:

An act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof two new sections relating to interest on overpayments of taxes, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1868**, entitled:

An act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof four new sections relating to the office of administration.

With Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 1 to Senate Amendment No. 10, Senate Amendment No. 10, as amended, and Senate Amendment No. 12.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section Title, Line 3, by striking the following: "the office of administration" and inserting in lieu thereof the following: "duties of agencies and officials operating within the executive branch"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after said line the following:

"32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law.

2. The powers, duties and functions of the department of revenue, chapter 32, RSMo and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138, RSMo and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax chapter 152, RSMo and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430, RSMo relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, RSMo, are transferred by type II transfer to the department of revenue.

**6. All the powers, duties and functions of the division of alcohol and tobacco control, chapters 311 and 407, are transferred by type I transfer to the department of revenue. The supervisor of the division shall be appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor with the advice and consent of the director of the department, notwithstanding the provisions of section 311.670.**

36.031. Any provision of law to the contrary notwithstanding, except for the elective offices, institutions of higher learning, the department of transportation, the department of conservation, those positions in the Missouri state highway patrol the compensation of which is established by subdivision (2) of subsection 2 of section 43.030, RSMo, and section 43.080, RSMo, [those positions in the Missouri state water patrol the compensation of which is established by section 306.229, RSMo,] those positions in the division of finance and the division of credit unions compensated through a dedicated fund obtained from assessments and license fees under sections 361.170 and 370.107, RSMo, and those positions for which the constitution specifically provides the method of selection, classification, or compensation, and the positions specified in subsection 1 of section 36.030, but including attorneys, those departments, agencies and positions of the executive branch of state government which have not been subject to these provisions of the state personnel law shall be subject to the provisions of sections 36.100, 36.110, 36.120 and 36.130, and the regulations adopted pursuant to sections 36.100, 36.110, 36.120 and 36.130 which relate to the preparation, adoption and maintenance of a position classification plan, the establishment and allocation of positions within the classification plan and the use of appropriate class titles in official records, vouchers, payrolls and communications. Any provision of law which confers upon any official or agency subject to the provisions of this section the authority to appoint, classify or establish compensation for employees shall mean the exercise of such authority subject to the provisions of this section. This section shall not extend coverage of any section of this chapter, except those specifically named in this section, to any agency or employee. In accordance with sections 36.100, 36.110, 36.120 and 36.130, and after consultation with appointing authorities, the director of the division of personnel shall conduct such job studies and job reviews and establish such additional new and revised job classes as the director finds necessary for appropriate classification of the positions involved. Such classifications and the allocation of positions to classes shall be maintained on a current basis by the division of personnel. The director of the division of personnel shall, at the same time, notify all affected agencies of the appropriate assignment of each job classification to one of the salary ranges within the pay plan then applicable to merit system agencies. The affected agencies and employees in the classifications set pursuant to this section shall be subject to the pay plan and rates of compensation established and administered in accordance with the provisions of this section, and the regulations adopted pursuant to this section, on the same basis as for merit agency employees. In addition, any elected official, institution of higher learning, the department of transportation, the department of conservation, the general assembly, or any judge who is the chief administrative officer of the judicial branch of state



government may request the division of personnel to study salaries within the requestor's office, department or branch of state government for classification purposes."; and

Further amend said bill, Page 2, Section 37.900, Line 14, by inserting after all of said line the following:

"43.040. The superintendent shall appoint from the membership of the patrol one lieutenant colonel and [five] **six** majors, who shall have the same qualifications as the superintendent, and who may be relieved of the rank of lieutenant colonel or major, as the case may be, and the duties of the position by the superintendent at his pleasure.

43.050. 1. The superintendent may appoint not more than [twenty-five] **thirty-four** captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than [sixty] **sixty-eight** lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed [nine hundred sixty-five] **one thousand sixty-four** officers and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. The superintendent may enter into an agreement with the Missouri gaming commission to enforce any law, rule, or regulation, conduct background investigations under the laws of this state, and enforce the regulations of licensed gaming activities governed by chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement shall be in writing and executed not less than one year from the effective date of the termination or modification, unless mutually agreed upon by the superintendent and the Missouri gaming commission. Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of five years.

4. Member positions of the patrol originally acquired in conjunction with the community-oriented policing services federal grant or members assigned to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

**43.390. 1. Notwithstanding the provisions of subsection 1 of section 43.025, there is hereby created within the Missouri state highway patrol a "Division of Water Patrol".**

**2. The superintendent of the Missouri state highway patrol shall appoint a director of the division of water patrol who shall be responsible for the operation of the division.**

**3. The superintendent of the Missouri state highway patrol may assign highway patrol members under the superintendent's command to serve in the division of water patrol on a permanent or temporary basis.**

**4. All officers assigned to the division of water patrol shall be vested with the powers prescribed in sections 306.165, 306.167, and 306.168.**

**5. All salaries, expenses, and other costs relating to the assignment of Missouri state highway patrol members to the division of water patrol shall be paid within the limits of appropriations from general revenue, the Missouri state water patrol fund established in section 306.185, or from such other funding as may be authorized by the general assembly.**

58.445. 1. If any person within a coroner's or medical examiner's jurisdiction dies within eight hours of, and as a result of, an accident involving a motor vehicle, the coroner or medical examiner shall report the death and circumstances of the accident to the Missouri state highway patrol in writing. If any person within a coroner's or medical examiner's jurisdiction dies within eight hours of, and as a result of, an accident involving a motorized watercraft and was thought to have been the operator of such watercraft, the coroner or medical examiner shall report the death and circumstances of the accident to the Missouri state **highway patrol**, water patrol **division**, in writing. The report required by this subsection shall be made within five days of the conclusion of the tests required in subsection 2 of this section.

2. The coroner or medical examiner shall make, or cause to be made, such tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the deceased. The results of these tests shall be included in the coroner's or medical examiner's report to the state highway patrol [or the Missouri state water patrol,] as required by subsection 1 of this section."; and

Further amend said bill, Page 2, Section 109.250, Line 23, by inserting after all of said line the following:

"301.716. 1. Any violation of the provisions of sections 301.700 to 301.714 shall be an infraction. An arrest or service of summons for violations of the provisions of sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly authorized law enforcement officer of any political subdivision of the state, the highway patrol [and the state water patrol].

2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting attorney or circuit attorney who may, with or without such reference, institute appropriate proceedings.

3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

306.010. As used in this chapter the following terms mean:

(1) "Motorboat", any vessel propelled by machinery, whether or not such machinery is a principal source of propulsion;

(2) "Operate", to navigate or otherwise use a motorboat or a vessel;

(3) "Operator", the person who operates or has charge of the navigation or use of a vessel;

(4) "Owner", a person other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

(5) "Parasailing", the towing of any person equipped with a parachute or kite equipment by any watercraft operating on the waters of this state;

(6) "Personal watercraft", a class of vessel, which is less than sixteen feet in length, propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel;

(7) "Skiing", any activity that involves a person or persons being towed by a vessel, including but not limited to waterskiing, wake boarding, wake surfing, knee boarding, and tubing;

(8) "Vessel", every motorboat and every description of motorized watercraft, and any watercraft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, used or capable of being used as a means of transportation on water, but not any watercraft having as the only means of propulsion a paddle or oars;

(9) "Watercraft", any boat or craft, including a vessel, used or capable of being used as a means of transport on waters;

(10) **"Water patrol division of the state highway patrol" or "water patrol division", the division responsible for enforcing the provisions of this chapter on the waters of this state. The revisor of statutes is instructed to replace the terms "Missouri state water patrol" or "state water patrol" wherever those terms exist in this chapter with the term "water patrol division";**

(11) "Waters of this state", any waters within the territorial limits of this state and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches constructed by a drainage district, but the term does include any body of water which has been leased to or owned by the state department of conservation.

306.165. Each [water] patrol officer [appointed by the Missouri state water patrol and each of such other employees as may be designated by the patrol, before entering upon his or her duties, shall take and subscribe an oath of office to perform all duties faithfully and impartially, and shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting] **assigned to the water patrol division by the superintendent of the highway patrol as provided in section 43.390 shall possess** all the powers of a peace officer to enforce all laws of this state, upon all of the following:

(1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4), and (5) of this section;

(2) All federal land, where not prohibited by federal law or regulation, and state land adjoining the waterways of this state;

- (3) All land within three hundred feet of the areas in subdivision (2) of this section;
- (4) All land adjoining and within six hundred feet of any waters impounded in areas not covered in subdivision (2) with a shoreline in excess of four miles;
- (5) All land adjoining and within six hundred feet of the rivers and streams of this state;
- (6) Any other jurisdictional area, pursuant to the provisions of section 306.167;
- (7) All premises leased or owned or under control of the Missouri state [water] **highway** patrol.

Each [water] patrol officer **assigned to the water patrol division** may board any watercraft at any time, with probable cause, for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. Each [water] patrol officer may arrest on view and without a warrant any person he or she sees violating or who such patrol officer has reasonable grounds to believe has violated any law of this state, upon any water or land area subject to his or her jurisdiction as provided in this section or may arrest anyone violating any law in his or her presence throughout the state. Each [water] patrol officer, while investigating an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in this section, may arrest any person who he or she has probable cause to believe has committed such crime, even if the suspect is currently out of the **division of water patrol's** jurisdiction. [Water] Patrol officers, if practicable, shall notify the sheriff or the police department prior to making an arrest within their respective county or city. Each [water] patrol officer shall comply with the training and certification provisions of chapter 590, RSMo.

306.167. The uniformed members of the [state] water patrol **division**, with the exception of radio personnel, shall have full power and authority as now or hereafter vested by law in peace officers when working with and at the special request of the sheriff of any county, the chief park ranger of any first class county not having a charter form of government and containing a portion of a city with a population exceeding four hundred thousand inhabitants, the chief of police of any city, or the superintendent of the state highway patrol [as directed by the commissioner of the water patrol]; provided, however, that such power and authority shall be exercised only upon the prior notification of the chief law enforcement officer of each jurisdiction.

306.168. In the investigation of an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in section 306.165, the members of the water patrol **division** may request that the prosecuting or circuit attorney apply for, and members of the water patrol **division** may serve, search warrants anywhere within the state of Missouri, provided the sheriff of the county in which the warrant is to be served, or his designee, shall be notified upon application by the applicant of the search warrant. **The sheriff or his designee shall participate in serving the search warrant except for offenses pertaining to boating while intoxicated and the investigation of vessel accidents. Any designee of the sheriff shall be a deputy sheriff or other person certified as a peace officer under chapter 590. The sheriff shall always have a designee available.**

306.185. 1. There is hereby created in the state treasury the "Missouri State Water Patrol Fund", which shall consist of money collected under section 306.030. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the expenses of the Missouri state **highway patrol**, water patrol **division**, including but not limited to [personal] **personnel** expense, training expense, and equipment expense **for the purpose of enforcing the laws of this chapter.**

2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Within available appropriations in this section, the commissioner of the water patrol shall establish with the advice of the director of personnel an equitable pay plan for the members of the water patrol and radio personnel taking into consideration ranks and length of service.

5. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.

311.615. There shall be a division within the department of [public safety] **revenue** known as the "Division of Alcohol and Tobacco Control", which shall have as its chief executive officer the supervisor of alcohol and tobacco control appointed pursuant to section 311.610. All references to the division of liquor control and the supervisor of

liquor control in the statutes shall mean the division of alcohol and tobacco control and the supervisor of alcohol and tobacco control.

407.924. 1. The division of [liquor] **alcohol and tobacco** control within the department of [public safety] **revenue** shall implement and enforce the provisions of sections 407.925 to 407.934.

2. Beginning January 1, 2003, the division of [liquor] **alcohol and tobacco** control shall submit an annual report to the general assembly on the effectiveness of sections 407.925 to 407.934 in reducing tobacco possession by minors and the enforcement activities by the division for violations of sections 407.925 to 407.934.

542.261. As used in sections 542.261 to 542.296 and section 542.301, the term "peace officer" means a police officer, member of the highway patrol [or water patrol] to the extent otherwise permitted by law to conduct searches, sheriff or deputy sheriff.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police[,] **and** any commissioned member of the Missouri state park rangers [and any authorized agent of the Missouri state water patrol] in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's[, or state park ranger's [or water patrol officer's] jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

- (1) There shall be supervisory control of the pursuit;
- (2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;
- (3) There shall be procedures for coordinating operation with other jurisdictions; and
- (4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

577.090. Any law enforcement officer shall and any agent of the conservation commission or deputy or **member of the highway patrol**, water patrol [officer] **division**, may enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof; except that conservation agents [and water patrolmen] may enforce such provisions only upon the water, the banks thereof or upon public land.

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a director appointed by the governor with the advice and consent of the senate. The department's role will be to provide overall coordination in the state's public safety and law enforcement program, to provide channels of coordination with local and federal agencies

in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43, RSMo, and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120, RSMo, relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43, RSMo. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104, RSMo, relating to retirement system coverage or section 226.160, RSMo, relating to workers' compensation for members of the patrol.

3. [All the powers, duties and functions of the supervisor of liquor control, chapter 311, RSMo, and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as provided in section 311.670, RSMo.

4. The director of public safety, superintendent of the highway patrol and transportation division of the department of economic development are to examine the motor carrier inspection laws and practices in Missouri to determine how best to enforce the laws with a minimum of duplication, harassment of carriers and to improve the effectiveness of supervision of weight and safety requirements and to report to the governor and general assembly by January 1, 1975, on their findings and on any actions taken.

5. The Missouri division of highway safety is transferred by type I transfer to the department of public safety. The division shall be in charge of a director who shall be appointed by the director of the department.

6.] All the powers, duties and functions of the safety and fire prevention bureau of the department of public health and welfare are transferred by type I transfer to the director of public safety.

[7.] 4. All the powers, duties and functions of the state fire marshal, chapter 320, RSMo, and others, are transferred to the department of public safety by a type I transfer.

[8.] 5. All the powers, duties and functions of the law enforcement assistance council administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and related acts of Congress are transferred by type I transfer to the director of public safety. The director of public safety shall appoint such advisory bodies as are required by federal laws or regulations. The council is abolished.

[9.] 6. The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all powers, duties and functions relating to chapter 307, RSMo, are transferred by type I transfer to the director of public safety.

[10.] 7. The office of adjutant general and the state militia are assigned to the department of public safety; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in article IV, section 6 of the Constitution of the state of Missouri or chapter 41, RSMo.

[11.] 8. All the powers, duties and functions of the Missouri boat commission, chapter 306, RSMo, and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby created, in the department of public safety. The Missouri boat commission and the office of secretary to the commission are abolished. [The Missouri state water patrol shall be headed by a boat commissioner who shall be appointed by the governor, with the advice and consent of the senate.] All deputy boat commissioners and all other employees of the commission who were employed on February 1, 1974, shall be transferred to the water patrol without further qualification. **Effective January 1, 2011, all the powers, duties, and functions of the Missouri state water patrol are transferred to the division of water patrol within the Missouri state highway patrol as set out in section 43.390.**

[12.] 9. The [division of veterans affairs] **Missouri veterans's commission**, chapter 42, RSMo, is assigned to the [office of adjutant general. The adjutant general, with the advice of the veterans' board, shall appoint the director of the division of veterans affairs who shall serve at the pleasure of the adjutant general] **department of public safety.**

[13.] 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void."; and

Further amend said bill, Page 3, Section 1, Line 7, by inserting after all of said line the following:

"[306.161. The Missouri state water patrol is authorized to employ, within the limits of appropriations and notwithstanding any other provision of law to the contrary, such personnel as may be necessary to properly perform the duties of the water patrol, and the water patrol shall prescribe the duties and responsibilities of such personnel.]

[306.163. 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of the Missouri state water patrol to serve at the pleasure of the governor. The commissioner shall take and subscribe an oath of office to perform the commissioner's duties faithfully and impartially. The commissioner appointed by the governor shall have at least ten years of experience in law enforcement similar to the duties exercised by uniformed officers of the state water patrol or at least five years of experience as a uniformed officer of the state water patrol.

2. The commissioner shall prescribe rules for instruction and discipline and make administrative rules and regulations and fix the hours of duty for the members of the patrol. The commissioner shall have charge of the office of the patrol, shall be custodian of the records of the patrol, and shall direct the day-to-day activities of the officers, patrolmen and office personnel.

3. The commissioner shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting him or her all the powers of a peace officer to enforce all the laws of this state within the jurisdiction of the water patrol as listed in section 306.165, provided that he has completed a law enforcement training course which meets the standards established in chapter 590, RSMo.

4. In the absence, or upon the disability, of the commissioner, or at the time the commissioner designates, the lieutenant colonel shall assume the duties of the commissioner. In case of the disability of the commissioner and the lieutenant colonel, the governor may designate a major as acting commissioner and when so designated, the acting commissioner shall have all the powers and duties of the commissioner.]

[306.227. Patrolmen and radio personnel of the water patrol shall not be less than twenty-one years of age. No person shall be appointed as commissioner or as a member of the patrol or as a member of the radio personnel who:

(1) Has been convicted of a felony or any crime involving moral turpitude, or against whom any indictment or information may then be pending charging the person with having committed a crime;

(2) Is not of good character;

(3) Is not a citizen of the United States;

(4) At the time of appointment is not a citizen of the state of Missouri;

(5) Has not completed a high school program of education under chapter 167, RSMo, or has not obtained a General Educational Development (GED) certificate, and who has not obtained advanced education and experience as approved by the commissioner; or

(6) Does not possess ordinary physical strength, and who is not able to pass the physical and mental examination that the commissioner prescribes.]

[306.228. 1. The commissioner may appoint from within the membership not more than one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of whom shall have the same qualifications as the commissioner, and such additional force of sergeants, corporals and patrolmen and such numbers of radio personnel as the commissioner deems necessary.

2. In case of a national emergency the commissioner may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Applicants shall not be discriminated against because of race, creed, color, national origin, religion or sex.]

[306.229. 1. The commissioner is authorized and empowered to prescribe policies providing increases in the salaries of patrolmen and radio personnel of the water patrol, subject to appropriations. Each year, prior to January first, the commissioner shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the commissioner shall include, in addition to other matters deemed pertinent to the commissioner, a comparison of the salaries of police officers of three police departments that employ similar numbers of patrol officers in the state. Such report shall also include a full description and comparison of each department position used to determine parity for all patrol positions of sergeant and above. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity, as adjusted for equivalent duties and functions, in the salary of patrolmen and radio personnel of the water patrol and officers of the three police departments that employ similar numbers of patrol officers in the state is maintained. The commissioner of the water patrol shall testify before the appropriate committee on the salary schedule report if called up by such committee.

2. The service of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such reenlistment, waiver of discharge, acceptance of commission or any other action with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.]

[306.230. 1. The commissioner shall prescribe rules for instruction and discipline and make all administrative rules and regulations and fix the hours of duty for the members of the patrol. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void. The commissioner shall divide the state into districts and assign members of the patrol to such districts in a manner deemed proper to carry out the purposes of this chapter. The commissioner may call members of the patrol from one district to another.

2. The commissioner may, by general order, establish for the circumstances under which members of the patrol are promoted. The commissioner shall classify and, by promotion, increase the rank of lieutenant colonels, majors, captains, lieutenants, sergeants, corporals, patrolmen, and radio personnel from the next lower rank after not less than one year of service satisfactorily performed therein. If the commissioner finds the candidate pool to fill a position through promotion is not sufficient from which to select, the commissioner may promote an individual from the next lower rank.]

[306.232. 1. After a probation period of one year, members of the patrol shall be subject to removal, reduction in rank, or suspension of more than three days only for cause after a petition with a formal charge has been filed in writing before or by the commissioner and upon a finding and vote by a majority of a board of six patrol members after a hearing. The members of the board shall be randomly selected from districts or divisions other than that of the accused. The board shall be composed of six unbiased members including one nonvoting captain, one lieutenant, and four members of the same rank as the accused member. The randomly selected captain shall serve as presiding officer at the hearing. Within thirty days after the petition is filed, unless the accused consents to an extension of the time, the board shall conduct a hearing and report to the commissioner the finding and vote of the majority of the board, whether the charges are true, and what discipline, if any, should be imposed. All lawful rules, regulations, and orders of the commissioner shall be

obeyed by the members of the patrol, who shall be subject to dismissal or one or more of the following as adjudged by the commissioner:

- (1) Suspension without pay for not more than thirty days;
- (2) Reduction in rank; or

(3) Disciplinary transfer at the member's expense. Nothing in this section shall be construed to prevent nondisciplinary transfers of members if the commissioner determines that such transfers are for the good of the patrol. No hearings shall be required in the case of reprimands or suspensions of three days or less which may be imposed at the discretion of the commissioner.

2. If a complaint is filed against a member, the member shall be provided a copy of the complaint promptly after the complaint is filed by or received by the patrol. Unless the member consents in writing to an earlier time, the member shall not be questioned by the patrol about the complaint or ordered to respond in writing to the complaint until forty-eight hours after the member has received a copy of the complaint. The member shall have a reasonable opportunity to have counsel present during any questioning related to the complaint. Prior to the commissioner or the patrol making an initial recommendation of discipline, the member shall be entitled to a copy of any investigation reports and any other written or recorded information or other evidence reviewed by the patrol which relates to the complaint; and the member will be afforded an opportunity to present a written response thereto.

3. Notwithstanding the provisions of this subsection or subsection 2 of this section to the contrary, the commissioner may postpone notifying a member that a complaint has been filed against him or her and may withhold the complaint and part or all of the investigation report and other evidence if the commissioner determines that such disclosures shall seriously interfere with the investigation regarding such complaint or any other investigation being conducted by the patrol or may likely jeopardize the health or safety of any person. Nothing in this subsection shall be construed to limit the rights of parties to discovery in civil or criminal litigation.]; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*  
*to*  
*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 1868, Page 2, Section 32.028, Line 12, by striking the words "Type I" and inserting in lieu thereof the following: "**Type II**".

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

"36.050. 1. The personnel advisory board and its functions, duties and powers prescribed in this chapter is transferred by type III transfer to the office of administration.

2. The personnel advisory board shall consist of seven members. Four members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two members shall be employees of state agencies covered by section 36.030 or section 36.031, one a member of executive management, and one a nonmanagement employee. [Members who are employees shall not participate in disciplinary appeal decisions from their agencies.] The state equal employment opportunity officer shall be a member of the board. No member of the board, during the member's term of office, or for at least one year prior thereto, shall be a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, a partisan public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position.

3. The members of the board shall be appointed by the governor by and with the advice and consent of the senate. The three current members of the board serving terms which expire July 31, 1998, July 31, 2000, and July 31, 2002, shall continue to serve for the terms for which they were previously appointed. One new public member shall be appointed for a term ending July 31, 1998, one employee member shall be appointed for a term ending July 31, 2000,



and one employee member shall be appointed for a term ending July 31, 2002. Thereafter, appointments of all members shall be for terms of six years. Any vacancy shall be filled by an appointment for the unexpired term. Each member of the board shall hold office until such member's successor is appointed and qualified.

4. A member of the board is removable by the governor only for just cause, after being given a written notice setting forth in substantial detail the charges against the member and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

5. Each public member of the board shall be paid an amount for each day devoted to the work of the board which shall be determined by the commissioner of administration and filed with the reorganization plan of the office of administration; provided, however, that such amount shall not exceed that paid to members of boards and commissions with comparable responsibilities. All board members are entitled to reimbursement for necessary travel and other expenses pertaining to the duties of the board. Duties performed for the board by any employee member of the board shall be considered duties in connection with the appointment of the individual, and such employee member shall suffer no loss of regular compensation by reason of performance of such duties.

6. The board shall elect from among its membership a chairman and vice chairman, who shall act as chairman in the chairman's absence. It shall meet at the times and places specified by call of the chairman, the governor, or the director. At least one meeting shall be held every three months. All regular meetings are open to the public. Notice of each meeting shall be given in writing to each member by the director. Two members shall constitute a quorum until January 1, 1997, thereafter, four members shall constitute a quorum for the transaction of official business.

7. To assist in the performance of its duties the board may employ staff from funds appropriated for this purpose; provided, however, that this provision shall not be interpreted to limit the ability of the personnel director to provide assistance to the board.

36.060. 1. In addition to the duties imposed upon it elsewhere in this chapter, it shall be the duty of the board:

(1) [To conduct hearings and render decisions on appeals as provided in this act;

(2)] To make any investigation which it may consider desirable concerning the administration of personnel subject to this law;

[(3)] (2) To hold regular meetings with appointing authorities to propose methods of resolving general personnel problems;

[(4)] (3) To make annual reports, and such special reports as it considers desirable, to the governor and the general assembly regarding personnel administration in the state service and recommendations there. These special reports shall evaluate the effectiveness of the personnel division and the appointing authority in their operations under this law;

[(5)] (4) To make such suggestions and recommendations to the governor and the director relating to the state's employment policies as will promote morale, efficiency and uniformity in compensation of the various employees in the state service;

[(6)] (5) To promulgate rules and regulations to ensure that no applicant or employee is discriminated against on the basis of race, creed, color, religion, national origin, sex, ancestry or handicap.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

36.150. 1. Every appointment or promotion to a position covered by this chapter shall be made on the basis of merit as provided in this chapter. Demotions in and dismissals from employment shall be made for cause under rules and regulations of the board uniformly applicable to all positions of employment. No appointment, promotion, demotion or dismissal shall be made because of favoritism, prejudice or discrimination. The regulations shall prohibit discrimination in other phases of employment and personnel administration and shall provide such remedy as is required by federal merit system standards for grant-in-aid programs [and is not provided in chapter 296, RSMo].

2. Political endorsements shall not be considered in connection with any such appointment.

3. No person shall use or promise to use, directly or indirectly, for any consideration whatsoever, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in appointment to any such position or an increase in pay, promotion or other advantage in employment.

4. No person shall in any manner levy or solicit any financial assistance or subscription for any political party, candidate, political fund, or publication, or for any other political purpose, from any employee in a position subject to this chapter, and no such employee shall act as agent in receiving or accepting any such financial contribution, subscription, or assignment of pay. No person shall use, or threaten to use, coercive means to compel an employee to give such assistance, subscription, or support, nor in retaliation for the employee's failure to do so.

5. No such employee shall be a candidate for nomination or election to any partisan public office or nonpartisan office in conflict with that employee's duties unless such person resigns, or obtains a regularly granted leave of absence, from such person's position.

6. No person elected to partisan public office shall, while holding such office, be appointed to any position covered by this chapter.

7. Any officer or employee in a position subject to this chapter who purposefully violates any of the provisions of this section shall forfeit such office or position. If an appointing authority finds that such a violation has occurred, or is so notified by the director, this shall constitute cause for dismissal pursuant to section 36.390 and a final determination by the [board] **administrative hearing commission** as to the occurrence of a violation.

36.280. 1. An appointing authority may at any time assign an employee from one position to another position in the same class in the appointing authority's division; except that, transfers of employees made because of a layoff, or shortage of work or funds which might require a layoff, shall be governed by the regulations. Upon making such an assignment the appointing authority shall forthwith give written notice of the appointing authority's action to the director. A transfer of an employee from a position in one division to a position in the same class in another division may be made with the approval of the director and of the appointing authorities of both divisions. No employee shall be transferred from a position in one class to a position in another class of a higher rank or for which there are substantially dissimilar requirements for appointment unless the employee is appointed to such latter position after certification of the employee's name from a register in accordance with the provisions of this chapter. Any change of an employee from a position in one class to a position in a class of lower rank shall be considered a demotion and shall be made only in accordance with the procedure prescribed by section 36.380 for cases of dismissal. An employee thus involuntarily demoted shall have the right to appeal to the [board] **administrative hearing commission** pursuant to section 36.390.

2. An employee who has successfully served at least one year in a position not subject to subsection 1 of section 36.030, but which is subject to section 36.031, may be transferred to a position subject to subsection 1 of section 36.030 in the same class with the approval of the director and of the appointing authorities of both divisions, provided he or she possesses the qualifications and has successfully completed a noncompetitive examination for the position involved.

36.370. 1. An appointing authority may, for disciplinary purposes, suspend without pay any employee in his division for such length of time as he considers appropriate, not exceeding twenty working days in any twelve-month period except that this limitation shall not apply in the event of a terminal suspension given in conjunction with a dismissal. In case of a suspension, the director shall be furnished with a statement in writing specifically setting forth the reasons for such suspension. Upon request, a copy of such statement shall be furnished to such employee. With the approval of the director, any employee may be suspended for a longer period pending the investigation or trial of any charges against him. Any regular employee who is suspended for more than five working days shall have the right to appeal to the [board] **administrative hearing commission** as provided under section 36.390.

2. An appointing authority may not suspend without pay any employee in his division who is a member of the national guard and is engaged in the performance of duty or training in the service of this state at the call of the governor and as ordered by the adjutant general, but shall grant a leave of absence from duty without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, and shall pay that employee his salary or compensation for the entire period of absence for that purpose.

36.380. An appointing authority may dismiss for cause any employee in his division occupying a position subject hereto when he considers that such action is required in the interests of efficient administration and that the good of the service will be served thereby. No dismissal of a regular employee shall take effect unless, prior to the effective date thereof, the appointing authority gives to such employee a written statement setting forth in substance the reason therefor and files a copy of such statement with the director. When it is not practicable to give the notice of dismissal to an employee in person, it may be sent to the employee by certified or registered mail, return receipt requested, at his last mailing address as shown in the personnel records of the appointing authority. Proof of refusal of the employee to accept delivery or the inability of postal authorities to deliver such mail shall be accepted as evidence that the required notice of dismissal has been given. If the director determines that the statement of reasons for the dismissal given by the appointing authority shows that such dismissal does not reflect discredit on the character or conduct of the employee, he may, upon request of the employee, approve reemployment under section 36.240, in any class in which the employee has held regular status. Any regular employee who is dismissed shall have the right to appeal to the [board] **administrative hearing commission** as provided under section 36.390.

36.390. 1. An applicant whose request for admission to any examination has been rejected by the director may appeal to the [board] **administrative hearing commission** in writing within fifteen days of the mailing of the notice of rejection by the director, and in any event before the holding of the examination. The [board's] **commission's** decision on all matters of fact shall be final.

2. Applicants may be admitted to an examination pending a consideration of the appeal, but such admission shall not constitute the assurance of a passing grade in education and experience.

3. Any applicant who has taken an examination and who feels that he or she has not been dealt with fairly in any phase of the examination process may request that the director review his or her case. Such request for review of any examination shall be filed in writing with the director within [thirty] **fifteen** days after the date on which notification of the results of the examination was mailed to the applicant. A candidate may appeal the decision of the director in writing to the [board] **administrative hearing commission**. This appeal shall be filed with the [board] **administrative hearing commission** within [thirty] **fifteen** days after date on which notification of the decision of the director was mailed to the applicant. The [board's] **commission's** decision with respect to any changes shall be final, and shall be entered in the minutes. A correction in the rating shall not affect a certification or appointment which may have already been made from the register.

4. An eligible whose name has been removed from a register for any of the reasons specified in section 36.180 or in section 36.240 may appeal to the [board] **administrative hearing commission** for reconsideration. Such appeal shall be filed in writing [at] **with** the [office of the director] **administrative hearing commission** within [thirty] **fifteen** days after the date on which notification was mailed to the [board] **eligible**. The [board] **commission**, after investigation, shall make its decision which shall be recorded in the minutes and the eligible shall be notified accordingly by the director.

5. Any regular employee who is dismissed or involuntarily demoted for cause or suspended for more than five working days may appeal in writing to the [board] **administrative hearing commission** within thirty days after the effective date thereof, setting forth in substance the employee's reasons for claiming that the dismissal, suspension or demotion was for political, religious, or racial reasons, or not for the good of the service. [Upon such appeal, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard and to present evidence at a hearing which, at the request of the appealing employee, shall be public. At the hearing of such appeals, technical rules of evidence shall not apply. After the hearing and consideration of the evidence for and against a suspension, demotion, or dismissal, the board shall approve or disapprove such action and may make any one of the following appropriate orders:

- (1) Order the reinstatement of the employee to the employee's former position;
- (2) Sustain the dismissal of such employee;
- (3) Except as provided in subdivisions (1) and (2) of this subsection, the board may sustain the dismissal, but may order the director to recognize reemployment rights for the dismissed employee pursuant to section 36.240, in an appropriate class or classes, or may take steps to effect the transfer of such employee to an appropriate position in the same or another division of service.

6. Any order by the board under subsection 5 of this section shall be a final decision on the merits and may be appealed as provided in chapter 536, RSMo.

7. After an order of reinstatement has been issued and all parties have let the time for appeal lapse or have filed an appeal and that appeal process has become final and the order of reinstatement has been affirmed, the board shall commence a separate action to determine the date of reinstatement and the amount of back pay owed to the employee. This action may be done by hearing, or by affidavit, depositions, or stipulations, or by agreement on the amount of back pay owed. If the parties cannot reach an agreement as to how the parties shall be heard on this separate action, then the board shall decide on the method through its hearing officer. No hearing will be public unless requested to be public by the employee.

8. The board shall establish such rules as may be necessary to give effect to the provisions of this section. The rules may provide that the board or the chairman of the board may delegate responsibility for the conduct of investigations and the hearing of appeals provided pursuant to any section of this chapter to a member of the board or to a hearing officer designated by the board. Such hearing officer shall have the power to administer oaths, subpoena witnesses, compel the production of records pertinent to any hearing, and take any action in connection with such hearing which the board itself is authorized to take by law other than making the final decision and appropriate order. When the hearing has been completed, the individual board member or the hearing officer who conducted the hearing shall prepare a summary thereof and recommend a findings of fact, conclusions of law, decision and appropriate order for approval of the board. The board may adopt such recommendations in whole or in part, require the production of additional testimony, reassign the case for rehearing, or may itself conduct such new or additional hearing as is deemed necessary.

prior to rendering a final decision. The board may also establish rules which provide for alternative means of resolving one or more of the types of appeals outlined in this section.]

[9.] 6. The provisions for appeals provided in subsection 5 of this section for dismissals of regular merit employees may be adopted by nonmerit agencies of the state for any or all employees of such agencies.

[10.] 7. Agencies not adopting the provisions for appeals provided in subsection 5 of this section shall adopt dismissal procedures substantially similar to those provided for merit employees. However, these procedures need not apply to employees in policy-making positions, or to members of military or law enforcement agencies.

[11.] 8. Hearings under this section shall be deemed to be a contested case and the procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the [personnel advisory board] **administrative hearing commission** shall be final and binding subject to appeal by either party. Final decisions of the [personnel advisory board] **administrative hearing commission** pursuant to this subsection shall be subject to review on the record by the circuit court pursuant to chapter 536, RSMo.

36.400. The [board] **administrative hearing commission**, each [member of the board,] **commissioner** and the director shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this law. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing, or who shall knowingly give false testimony therein, shall be guilty of a misdemeanor.”; and

Further amend said bill, Page 2, Section 37.900, Line 14, by inserting after all of said line the following:

“105.055. 1. No supervisor or appointing authority of any state agency shall prohibit any employee of the agency from discussing the operations of the agency, either specifically or generally, with any member of the legislature, state auditor, attorney general, or any state official or body charged with investigating such alleged misconduct.

2. No supervisor or appointing authority of any state agency shall:

(1) Prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; or

(2) Require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

3. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) Restricting or precluding disciplinary action taken against a state employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

4. As used in this section, “disciplinary action” means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

5. Any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the [state personnel advisory board] **administrative hearing commission**; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390, RSMo. The appeal shall be filed within thirty days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter [36] **536**, RSMo. If the [board] **commission** or appropriate review body finds that disciplinary action taken was unreasonable, the [board] **commission**

or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the [board] **commission** considers appropriate. If the [board] **commission** finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the [board] **commission** or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each state agency shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the agency.

7. (1) In addition to the remedies in subsection 6 of this section, a person who alleges a violation of this section may bring a civil action for damages within ninety days after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides.

(3) An employee must show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity.

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages, and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.”; and

Further amend said bill, Page 2, Section 109.250, Line 23, by inserting after all of said line the following:

“621.015. The “Administrative Hearing Commission” is assigned to the office of administration. It shall consist of no more than [three] **five** commissioners. The commissioners shall be appointed by the governor with the advice and consent of the senate. The term of each commissioner shall be for six years and until his successor is appointed, qualified and sworn. The commissioners shall be attorneys at law admitted to practice before the supreme court of Missouri, but shall not practice law during their term of office. Each commissioner shall receive annual compensation of fifty-one thousand dollars plus any salary adjustment provided pursuant to section 105.005, RSMo. Each commissioner shall also be entitled to actual and necessary expenses in the performance of his duties. The office of the administrative hearing commission shall be located in the City of Jefferson and it may employ necessary clerical assistance, compensation and expenses of the commissioners to be paid from appropriations made for that purpose.

**621.075. 1. Except as otherwise provided by law, any employee with merit status who has been dismissed or involuntarily demoted for cause or suspended for more than five working days shall have the right to appeal to the administrative hearing commission. Any such person shall be entitled to a hearing before the administrative hearing commission by the filing of an appeal setting forth in substance the employee's reasons for claiming that the dismissal, suspension, or demotion was for political, religious, or racial reasons, or not for the good of the service with the administrative hearing commission within thirty days after the effective date of the action. The decision of the appointing authority shall contain a notice of the right of appeal in substantially the following language:**

**“Any employee with regular status who has been dismissed or involuntarily demoted for cause or suspended for more than five working days may appeal to the administrative hearing commission. To appeal, you must file an appeal with the administrative hearing commission within thirty days after the effective date of the decision. If any such appeal is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.”**

**2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536. The administrative hearing commission may hold hearings or may make decisions based on stipulation of the parties, consent order, agreed settlement, or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, in accordance with the rules and procedures of the administrative hearing commission. No hearing shall be public unless requested to be public by the employee. The administrative hearing commission shall maintain a transcript of all testimony and proceedings in hearings governed by this section, and decisions of the administrative hearing commission under this section shall be binding subject to appeal by either party. The administrative hearing commission may make any one of the following appropriate orders:**

**(1) Order the reinstatement of the employee to the employee's former position;**

(2) Sustain the dismissal of such employee;

(3) Except as provided in subdivisions (1) and (2) of this subsection, the administrative hearing commission may sustain the dismissal, but may order the director of personnel to recognize reemployment rights for the dismissed employee pursuant to section 36.240, in an appropriate class or classes, or may take steps to effect the transfer of such employee to an appropriate position in the same or another division of service.

3. After an order of reinstatement has been issued and all parties have let the time for appeal lapse or have filed an appeal and that appeal process has become final and the order of reinstatement has been affirmed, the administrative hearing commission shall commence a separate action to determine the date of reinstatement and the amount of back pay owed to the employee. This action may be done by hearing, or by affidavit, depositions, or stipulations, or by agreement on the amount of back pay owed. No hearing shall be public unless requested to be public by the employee.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

“34.047. Notwithstanding any provision in section 34.040, section 34.100, or any other law to the contrary, departments shall have the authority to purchase products and services related to information technology when the estimated expenditure of such purchase shall not exceed one hundred fifty thousand dollars and the department complies with the informal methods of procurement established in section 34.040, and 1 CSR 40-1.050(1) for expenditures of less than twenty-five thousand dollars. For the purposes of this section, “information technology” shall mean any computer or electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information, including audio, graphic, and text.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

“8.016. 1. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.

2. The president pro tem of the senate and the speaker of the house of representatives shall be responsible for providing a training program for the members and staff of the general assembly regarding access to secured areas of the capitol building. They may consult with the office of administration and department of public safety when developing such program.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“21.940. 1. There is established a “Health and Human Services Transition Committee” to study and make recommendations by December 31, 2010, on consolidating the departments of health and senior services, mental health, and social services into one department.

2. The members of the committee shall consist of fourteen members as follows:

(1) The directors of the departments of health and senior services, mental health, and social services;

(2) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives;

(3) Two members of the senate, one from each party, appointed by the president pro tem of the senate;  
 (4) Three representatives who are consumers or families of consumers interested in the services provided by each of the departments of health and senior services, mental health, and social services;

(5) Three providers of services provided by the each of the departments of health and senior services, mental health, and social services;

(6) One public member.

3. Members shall serve on the committee without compensation. The departments of health and senior services, mental health, and social services shall provide technical and administrative support services for the committee. The duties of the committee are to make recommendations on:

(1) Efficiencies that could be made within programs administered by the three departments;

(2) Any programs administered or overseen by the three departments that should be eliminated, reduced, or combined with another program or programs, particularly programs involving MO HealthNet services; and

(3) A plan for reducing expenditures within each program administered or overseen by the three departments for fiscal year 2012 from fiscal year 2011 levels at increments of five percent up to twenty-five percent.

4. The provisions of this section shall expire on January 1, 2011.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 2, Section 109.250, Line 23, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] on behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

(1) For a period of three years from the date services were provided or rendered; however, an entity:

(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;

(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;

(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and

(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and

(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due

under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party



or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO

HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled;

or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty

of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

- (1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;
- (2) Total funds available for settlement; and
- (3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section 37.320, Line 11, by inserting after all of said line the following:

**“37.600. 1. There is hereby established the “Commission on the Reorganization of State Health Care”. The commission shall have as its purpose the study, review, and recommendation of creating a “Division of State Health Care” within the office of administration, which shall be dedicated to providing health care coverage for all state employees, dependents, and retirees and those recipients of programs provided in subsection 4 of this section. The commission shall consist of nineteen members:**

- (1) Two members of the senate, one appointed by the president pro tem of the senate and one appointed by the senate minority floor leader;**
- (2) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the house minority floor leader;**
- (3) The commissioner of the office of administration or the commissioner's designee;**
- (4) The director of the department of insurance, financial institutions and professional registration or the director's designee;**
- (5) The director of the MO HealthNet division or the director's designee;**
- (6) The director of the department of health and senior services or the director's designee;**
- (7) The director of the department of mental health or the director's designee;**
- (8) The director of the department of corrections or the director's designee;**
- (9) The director of the department of social services or the director's designee;**
- (10) The executive director of the Missouri consolidated health care plan or the director's designee;**
- (11) One member of the state highways and transportation commission;**
- (12) One member of the state conservation commission; and**
- (13) One member of the board of curators of the University of Missouri;**
- (14) The commissioner of the coordinating board of higher education or the commissioner's designee;**
- (15) One representative of the public four-year institutions of higher education, excluding the University of Missouri, appointed by the governor with the advice and consent of the senate; and**
- (16) Two individual representatives of small business in this state, appointed by the governor with the advice and consent of the senate.**

**2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties. A chair of the commission shall be selected by the members of the commission and shall meet as necessary. Commission members shall not be related to any member of the general assembly or governor within the third degree of consanguinity. The office of administration shall provide technical, actuarial, and administrative support services as required by the commission.**

**3. The commission shall designate a work group to provide analysis on the recommendations required of the commission consisting of members representing any health policy center or program from the public institutions of higher education in the state.**

**4. The commission shall designate a work group consisting of members of the Missouri school boards association, the Missouri community colleges association, and small business organizations to provide analysis for recommendations of the second and third phase of the reorganization as described under subdivisions (3) and (4) of subsection 5 of this section.**

**5. The commission shall submit a report to the general assembly and governor by December 31, 2010, on the creation of a "Division of State Health Care" within the office of administration to serve, through three implementation phases, as the lead planning state entity for all health issues in the state. The commission's duties shall be as follows:**

- (1) Provide an analysis on whether the creation of a division of state health care would:**
    - (a) Remedy the current situation wherein the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments;**
    - (b) Permit the state to maximize its purchasing power inasmuch as the state now has none of its health care purchasing coordinated;**
    - (c) Minimize duplication and maximize administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs;**
    - (d) Allow the state to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care; and**
    - (e) Focus more attention and divisional procedures on the issue of wellness, including diet, exercise, and personal responsibility;**
  - (2) Make recommendations on granting the division of state health care, during a first phase, the authority to carry out all powers, duties, and functions previously performed by:**
    - (a) The Mo HealthNet division under section 208.201;**
    - (b) The state highways and transportation commission, relating to the furnishing of health insurance benefits to cover medical expenses for members of the highways and transportation employees' and highway patrol retirement system;**
    - (c) The board of trustees of the Missouri consolidated health care plan pursuant to chapter 103;**
    - (d) The department of social services, relating to the administration of a program to pay for health care for uninsured children under sections 208.631 to 208.657;**
    - (e) The state conservation commission, relating to the furnishing of health insurance for department of conservation employees and their dependents and retirees;**
    - (f) The public four-year institutions of higher education, excluding the University of Missouri, relating to the furnishing of health insurance plans for employees of such institutions and their dependents and retirees; and**
    - (g) The board of curators of the University of Missouri, relating to the furnishing of health insurance plans for employees of the university system and their dependents and retirees;**
  - (3) Investigate coordinating and purchasing health care benefit plans, during a second phase, for employees of the public schools, community colleges, political subdivisions of the state, and all such employees' dependents; and**
  - (4) Investigate the feasibility of creating and administering insurance programs in a third phase for small businesses and the uninsured in this state.**
- 6. The provisions of this section shall expire on February 1, 2011."; and**

Further amend said bill, Page 3, Section 1, Line 7, by inserting after all of said line the following:

"Section B. Because of the need to promote the health care of state employees and of citizens of this state, the enactment of section 37.600 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 37.600 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**"23.156. 1. Every employee of the oversight division of the joint committee on legislative research shall, before entering upon his or her duties, take and file in the offices of the secretary of the senate and the chief clerk of the house of representatives an oath:**

- (1) To support the constitution of the state, to faithfully demean himself or herself in office;
  - (2) To not disclose to any unauthorized person any information furnished by any state department, state agency, political subdivision, or instrumentality of the state; and
  - (3) To not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his or her duty other than the remuneration fixed and accorded to the employee by law.
2. For any violation of his or her oath of office or of any duty imposed upon him or her by this section, any employee shall be guilty of a class A misdemeanor.” and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*  
*to*  
*Senate Amendment No. 10*

AMEND Senate Amendment No. 10 to Senate Committee Substitute for House Bill No. 1868, Page 2, Section 21.910, Line 5, by inserting after all of said line the following:

**“4. The members of the committee shall elect a chair person and vice chair person.”; and**

Further renumber the remaining subsections accordingly; and

Further amend said amendment, Line 12 of said page, by inserting after all of said line the following:

‘Further amend said bill, Page 3, Section 1, Line 7, by inserting after all of said line the following:

“Section B. Because of the need for more efficient government in tight budget times, section 21.190 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 21.910 of section A of this act shall be in full force and effect upon its passage and approval.” ‘.

*Senate Amendment No. 10*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“21.910. 1. There is hereby created the “Joint Committee on the Reduction and Reorganization of Programs within State Government”. The committee shall be composed of thirteen members as follows:**

- (1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;**
- (2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;**
- (3) The commissioner of the office of administration, or his or her designee;**
- (4) A representative of the governor's office; and**
- (5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.**

**2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term “program” shall have the same meaning as in section 23.253.**

**3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.**

**4. The committee shall submit a report to the general assembly by December 31, 2010, and such report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.**

**5. The provisions of this section shall expire on January 1, 2011.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 12*

AMEND Senate Committee Substitute for House Bill No. 1868, Page 2, Section 109.250, Line 3, by inserting after all of said line the following:

"630.060. 1. The department shall seek and encourage cooperation and active participation of communities, counties, organizations, agencies, private and not-for-profit corporations and individuals in the effort to establish and maintain quality programs and services for persons affected by mental disorders, developmental disabilities or alcohol or drug abuse. The department shall develop programs of public information and education for this purpose.

**2. The department shall cooperate with and may directly contract with all state agencies, local units of government, and any of the governor's advisory councils or commissions, or their successor agencies, and with the Missouri Mental Health Foundation, or its successor entity, in delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse pursuant to subdivision (3) of subsection 1 of section 630.020. For purposes of this section, the contracting process of the department with these entities need not be governed by the provisions of chapter 34."**; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1894**, entitled:

An act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to collection of payment for certain mental health services.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND House Bill No. 1894, Page 1, Section Title, Line 3 of the Title, by striking said line and inserting in lieu thereof the following: "the administrative functions of the department of mental health."; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"630.060. 1. The department shall seek and encourage cooperation and active participation of communities, counties, organizations, agencies, private and not-for-profit corporations and individuals in the effort to establish and maintain quality programs and services for persons affected by mental disorders, developmental disabilities or alcohol or drug abuse. The department shall develop programs of public information and education for this purpose.

**2. The department shall cooperate with and may directly contract with all state agencies, local units of government, and any of the governor's advisory councils or commissions, or their successor agencies, and with the Missouri Mental Health Foundation, or its successor entity, in delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse pursuant to subdivision (3) of subsection 1 of section 630.020. For purposes of this section, the contracting process of the department with these entities need not be governed by the provisions of chapter 34."**; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND House Bill No. 1894, Page 1, Section Title, Line 3, by striking "collection of payment for"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after said line the following:

"208.453. Every hospital as defined by section 197.020, RSMo, except [public hospitals which are operated primarily for the care and treatment of mental disorders and] any hospital operated by the department of health and senior services, shall, in addition to all other fees and taxes now required or paid, pay a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. For the purpose of this section, the phrase "engaging in the business of providing inpatient health care in this state" shall mean accepting payment for inpatient services rendered. The federal reimbursement allowance to be paid by a hospital which has an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or operated by the board of curators, as defined in chapter 172, RSMo, may be eliminated by the director of the department of social services. The unsponsored care ratio shall be calculated by the department of social services."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1965**, entitled:

An act to repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof forty-five new sections for the sole purpose of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 3, Section A, Line 38, by inserting after all of said line the following:

“2.030. The joint committee on legislative research shall annually collate[,] **and index, and may print[,] and bind and/or produce in a web-based electronic format** all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

3.130. [1.] Such number of copies of each volume of each edition of the revised statutes of Missouri and annotations thereto and such number of the supplements or pocket parts thereto as may be necessary to meet the demand as determined by the committee shall be printed and bound, and also produced in an electronic format, and delivered to the revisor of statutes, who shall execute and file a receipt therefor with the director of revenue. The revisor of statutes shall distribute the copies, in either version or combination, [without charge as follows:

(1) To each state department, and each division and bureau thereof, one copy as requested in writing specifying the version;

(2) To each member of the general assembly when first elected, one bound version and, if requested, one copy in the electronic version; and at each general assembly thereafter, one printed version and one copy in the electronic version if so requested in writing; each member to receive one printed version and, if requested, one copy in the electronic version of each supplement and of each new edition of the revised statutes when published;

(3) To each judge of the supreme court, the court of appeals and to each judge of the circuit courts, except municipal judges, one copy in either version;

(4) To the probate divisions of the circuit courts of Jackson County, St. Louis County and the city of St. Louis, four additional copies each in either version or combination, and to the probate divisions of the circuit courts of those counties where the judge of the probate division sits in more than one city, one additional copy each in either version;

(5) To the law library of the supreme court, ten copies in either version or combination;

(6) To the law libraries of each district of the court of appeals, six copies each in either version or combination;

(7) To the library of the United States Supreme Court, one copy in either version;

(8) To the United States district courts and circuit court of appeals for Missouri, two copies each in either version or combination;

(9) To the state historical society, two copies in either version or combination;

(10) To the libraries of the state university at Columbia, at St. Louis, at Kansas City and at Rolla, one bound version and one electronic version each;

(11) To the state colleges, Lincoln University, the community colleges, Missouri Western State College, Linn State Technical College, and Missouri Southern State College, one bound version and one electronic version each;

(12) To the public school library of St. Louis, two copies in either version or combination;

(13) To the Library of Congress, one copy in either version;

(14) To the Mercantile Library of St. Louis, one bound version and one electronic version;

(15) To each public library in the state, if requested, one copy in either version;

(16) To the law libraries of St. Louis, St. Louis County, Kansas City and St. Joseph, one bound version and one electronic version each;

(17) To the law schools of the state university, St. Louis University, and Washington University, one bound version and one electronic version each;

(18) To the circuit clerk of each county of the state for distribution to each county officer, to be by him or her delivered to his or her successor in office, one copy in either version as requested in writing;

(19) To the director of the committee on legislative research, such number of copies in either version or combination as may be required by such committee for the performance of its duties;

(20) To any county law library, when requested by the circuit clerk, one bound version and one electronic version;

(21) To each county library, one copy of either version, when requested in writing;

(22) To any committee of the senate or house of representatives, as designated and requested by the accounts committee of the respective house] **at the price determined by the committee under section 3.140.**



[2. The revisor of statutes shall also provide the librarians of the supreme court library and the committee on legislative research such copies in either version or combination as may be necessary, not exceeding fifty-one each, to enable them to exchange the copies for like compilations or revisions of the statute laws of other states and territories.]

3.140. [1.] The committee on legislative research may, through the revisor of statutes, sell copies of the revised statutes of Missouri, and any supplement or edition of pocket parts thereto, [not required by this chapter to be distributed without charge,] **in print and/or in a web-based electronic format** at a price to be determined by the committee, taking into account the cost of printing and binding, **producing the statutes and maintaining the website**, including the cost of delivery, and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

[2. The revisor of statutes shall also supply to the clerk of the circuit court of each county order blanks in a number sufficient to meet the public demand. The blanks may be used by the public to order copies which shall be sold by the committee as provided in subsection 1.]

11.010. The official manual, commonly known as the “Blue Book”, compiled and **electronically** published by the secretary of state **on its official website** is the official manual of this state, and it is unlawful for any officer or employee of this state, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him **or her** as not suitable for publication in the manual.

11.020. The secretary of state shall biennially, as soon as practicable after the organization of each general assembly, prepare and **electronically** publish [forty thousand copies of] the Missouri manual, to contain historical, official, political, statistical and other information in regard to the national and state governments, such as is found in the manuals of 1907 and 1908. The [manuals] **manual** shall be [distributed by the secretary of state, to the members of the general assembly, the state, judicial and county officers, each high school and each elementary school within the state and to the newspapers of the state and the surplus volumes shall be distributed throughout the state upon proper applications made therefor. Each member of the senate shall receive two hundred volumes and each member of the house of representatives shall receive one hundred volumes of the manual] **accessible via the official website of the secretary of state.**”; and

Further amend said bill, Page 106, Section 644.551, Line 23, by inserting after all of said line the following:

“[3.142. 1. There is hereby established in the state treasury a revolving fund known as the “Statutory Revision Fund”, and which shall receive funds paid to the revisor of statutes for sales of the revised statutes of Missouri or any supplement thereto, whether in printed, electronic, magnetic, or other form and funds received for any other service for which there is a fee charged by the committee on legislative research. The committee on legislative research shall determine the form and any fees or charges for the statutes or services. The state treasurer shall be custodian of the fund and shall make disbursements from the fund for enhancing or producing the electronic form of the revised statutes in a computer readable form, enhancing the electronic processing of computerized legislative drafting and such other purposes authorized by the joint committee on legislative research upon appropriation by the general assembly. Moneys in the fund may also be used at the direction of the committee on legislative research to provide the revised statutes of Missouri and any supplement thereto to public libraries of this state in a computer readable format for use by patrons of the libraries.

2. Any unexpended balance in the fund at the end of any biennium not to exceed twice the cost of providing the annual supplement to the revised statutes of Missouri is exempt from the provisions of section 33.080, RSMo, relating to transfer of unexpended balances to the ordinary revenue fund.]”; and

Further amend the title and enacting clause accordingly.

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 3, Section 33.065, Line 6, by inserting after all of said line the following:

**“33.850. 1. The committee on legislative research shall organize a subcommittee, which shall be known as the “Joint Subcommittee on Recovery Accountability and Transparency”, to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.**

**2. The subcommittee shall consist of the following eight members:**

**(1) One-half of the members appointed by the chairperson from the house which he or she represents, two of whom shall be from the majority party and two of whom shall be from the minority party; and**

**(2) One-half of the members appointed by the vice chairperson from the house which he or she represents, two of whom shall be from the majority party and two of whom shall be from the minority party.**

**3. The appointment of the senate and house members shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired.**

**4. The subcommittee shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse, including:**

**(1) Reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;**

**(2) Reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;**

**(3) Reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for investigation to the attorney general or the agency that disbursed the covered funds;**

**(4) Receiving regular reports from the commissioner of the office of administration, or his or her designee, concerning covered funds; and**

**(5) Reviewing the number of jobs created using these funds.**

**5. The subcommittee shall submit annual reports to the governor and general assembly, including the senate appropriations committee and house budget committee, that summarize the findings of the subcommittee with regard to its duties in subsection 4 of this section. All reports submitted under this subsection shall be made publicly available and posted on the governor's website, the general assembly website, and each state agency website. Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under chapter 610, or any other provision of state law.**

**6. (1) The subcommittee shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.**

**(2) Not later than thirty days after receipt of a recommendation under subdivision (1) of this subsection, an agency shall submit a report to the governor and general assembly, including the senate appropriations committee and house budget committee, and the subcommittee that states:**

**(a) Whether the agency agrees or disagrees with the recommendations; and**

**(b) Any actions the agency will take to implement the recommendations.**

**7. The subcommittee may:**

**(1) Review audits from the state auditor and conduct reviews relating to covered funds; and**

**(2) Receive regular testimony from the state auditor relating to audits of covered funds.**

**8. (1) Not later than thirty days after the date on which all initial members of the subcommittee have been appointed, the subcommittee shall hold its first meeting. Thereafter, the subcommittee shall meet at the call of the chairperson of the subcommittee.**

**(2) A majority of the members of the subcommittee shall constitute a quorum, but a lesser number of members may hold hearings.**

**9. The subcommittee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the subcommittee considers advisable to carry out the provisions of this section. Each agency of this state shall cooperate with any request of the subcommittee to provide such information as the subcommittee deems necessary to carry out the provisions of this section. Upon request of the subcommittee, the head of each agency shall furnish such information to the subcommittee. The head of each agency shall make all**

officers and employees of that agency available to provide testimony to the subcommittee and committee personnel.

10. Subject to appropriations, the subcommittee may enter into contracts with public agencies and with private persons to enable the subcommittee to discharge its duties under the provisions of this section, including contracts and other arrangements for studies, analyses, and other services.

11. The members of the subcommittee shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties.

12. As used in this section, the term “covered fund” shall mean any moneys received by the state or any political subdivision under the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.

13. This section shall expire March 1, 2013.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 3, Section A, Line 38, by inserting after all of said line the following:

“21.920. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Missouri's Promise” to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives nor more than three members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The committee shall be charged with the following:

- (1) Examining issues that will be impacting the future of the state of Missouri and its citizens;
- (2) Developing long-term strategies and plans for:
  - (a) Increasing the economic prosperity and opportunities for the citizens of this state;
  - (b) Improving the health status of our citizens;
  - (c) An education system that educates students who are capable of attending and being productive and successful citizens and designed to successfully prepare graduates for global competition; and
  - (d) Other areas that the committee determines are vital to improving the lives of the citizens of Missouri;
- (3) Developing three, five, and ten year plans for the general assembly to meet the long-term strategies outlined in subdivision (2) of this subsection;
- (4) Implementing budget forecasting for the upcoming ten years in order to plan for the long-term financial soundness of the state; and
- (5) Such other matters as the committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues.

3. The committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the committee deems relevant, political subdivisions of this state, and the general public.

4. By January 1, 2011, and every year thereafter, the committee shall issue a report to the general assembly with any findings or recommendations of the committee with regard to its duties under subsection 2 of this section.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 68, Section 198.058, Line 13, by inserting after all of said line, the following:

“198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of social services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter;

(4) With the full cooperation of and in conjunction with the department of health and senior services, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations and standards pursuant to section 197.080, RSMo, for assisted living facilities, intermediate care facilities and skilled nursing facilities attached to an acute care hospital are consistent with the intent of this chapter. [A report of the differences found in the evaluation conducted pursuant to this subdivision shall be made jointly by the departments of social services and health and senior services to the governor and members of the general assembly by January 1, 2008]; and

(5) With the full cooperation and in conjunction with the department of health and senior services, develop rules and regulations requiring the exchange of information, including regulatory violations, between the departments to ensure the protection of individuals who are served by health care providers regulated by either the department of health and senior services or the department of social services.”; and

Further amend said bill, Pages 154 to 156, Section 198.087, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 2226, HB 1824, HB 1832 & HB 1990**, entitled:

An act to repeal sections 194.350, 324.1100, 324.1110, 324.1112, 324.1114, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 332.011, 334.100, 334.506, 334.613, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335, 338.337, 383.130, and 383.133, RSMo, and section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth

general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of certain professions, with penalty provisions for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 11, Senate Amendment No. 12 and Senate Amendment No. 14.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 3, Section 194.350, Lines 1-30, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting after all of said line the following:

"214.160. The county commission shall invest or loan said trust fund or funds only in United States government, state, county or municipal bonds, [or] **certificates of deposit**, first real estate mortgages, or deeds of trust. They shall use the net income from said trust fund or funds or so much thereof as is necessary to support and maintain and beautify any public or private cemetery or any particular part thereof which may be designated by the person, persons or firm or association making said gift or bequest. In maintaining or supporting the cemetery or any particular part or portion thereof the commission shall as nearly as possible follow the expressed wishes of the creator of said trust fund.

214.270. As used in sections 214.270 to 214.410, the following terms mean:

(1) "Agent" or "authorized agent", any person empowered by the cemetery operator to represent the operator in dealing with the general public, including owners of the burial space in the cemetery;

(2) "Burial space", one or more than one plot, grave, mausoleum, crypt, lawn, surface lawn crypt, niche or space used or intended for the interment of the human dead;

(3) "Burial merchandise", a monument, marker, memorial, tombstone, headstone, urn, outer burial container, or similar article which may contain specific lettering, shape, color, or design as specified by the purchaser;

(4) "Cemetery", property restricted in use for the interment of the human dead by formal dedication or reservation by deed but shall not include any of the foregoing held or operated by the state or federal government or any political subdivision thereof, any incorporated city or town, any county or any religious organization, cemetery association or fraternal society holding the same for sale solely to members and their immediate families;

(5) "Cemetery association", any number of persons who shall have associated themselves by articles of agreement in writing as a not-for-profit association or organization, whether incorporated or unincorporated, formed for the purpose of ownership, preservation, care, maintenance, adornment and administration of a cemetery. Cemetery associations shall be governed by a board of directors. Directors shall serve without compensation;

(6) "Cemetery operator" or "operator", any person who owns, controls, operates or manages a cemetery;

(7) "Cemetery prearranged contract", any contract with a **cemetery or** cemetery operator for [goods and services covered by this chapter which includes a sale of burial merchandise in which delivery of merchandise or a valid warehouse receipt under sections 214.270 to 214.550 is deferred pursuant to written instructions from the purchaser. It shall also mean any contract for goods and services covered by sections 214.270 to 214.550 which includes a sale of burial services to be performed at a future date] **burial merchandise or burial services covered by sections 214.270 to 214.410 which is entered into before the death of the individual for whom the burial merchandise or burial services are intended;**

(8) "Cemetery service" or "burial service", those services performed by a cemetery owner or operator licensed as an endowed care or nonendowed cemetery including setting a monument or marker, setting a tent, excavating a grave, interment, entombment, inurnment, setting a vault, or other related services within the cemetery;

(9) "Columbarium", a building or structure for the inurnment of cremated human remains;

(10) "Community mausoleum", a mausoleum containing a substantial area of enclosed space and having either a heating, ventilating or air conditioning system;

- (11) "Department", department of insurance, financial institutions and professional registration;
- (12) "Developed acreage", the area which has been platted into grave spaces and has been developed with roads, paths, features, or ornamentations and in which burials can be made;
- (13) "Director", director of the division of professional registration;
- (14) "Division", division of professional registration;
- (15) "Endowed care", the maintenance, repair and care of all burial space subject to the endowment within a cemetery, including any improvements made for the benefit of such burial space. Endowed care shall include the general overhead expenses needed to accomplish such maintenance, repair, care and improvements. Endowed care shall include the terms perpetual care, permanent care, continual care, eternal care, care of duration, or any like term;
- (16) "Endowed care cemetery", a cemetery, or a section of a cemetery, which represents itself as offering endowed care and which complies with the provisions of sections 214.270 to 214.410;
- (17) "Endowed care fund", "endowed care trust", or "trust", any cash or cash equivalent, to include any income therefrom, impressed with a trust by the terms of any gift, grant, contribution, payment, devise or bequest to an endowed care cemetery, or its endowed care trust, or funds to be delivered to an endowed care cemetery's trust received pursuant to a contract and accepted by any endowed care cemetery operator or his agent. This definition includes the terms endowed care funds, maintenance funds, memorial care funds, perpetual care funds, or any like term;
- (18) "Escrow account", an account established in lieu of an endowed care fund as provided under section 214.330 or an account used to hold deposits under section 214.387;
- (19) "Escrow agent", an attorney, title company, certified public accountant or other person authorized by the division to exercise escrow powers under the laws of this state;
- (20) "Escrow agreement", an agreement subject to approval by the office between an escrow agent and a cemetery operator or its agent or related party with common ownership, to receive and administer payments under cemetery prearranged contracts sold by the cemetery operator;
- (21) "Family burial ground", a cemetery in which no burial space is sold to the public and in which interments are restricted to persons related by blood or marriage;
- (22) "Fraternal cemetery", a cemetery owned, operated, controlled or managed by any fraternal organization or auxiliary organizations thereof, in which the sale of burial space is restricted solely to its members and their immediate families;
- (23) "Garden mausoleum", a mausoleum without a substantial area of enclosed space and having its crypt and niche fronts open to the atmosphere. Ventilation of the crypts by forced air or otherwise does not constitute a garden mausoleum as a community mausoleum;
- (24) "Government cemetery", or "municipal cemetery", a cemetery owned, operated, controlled or managed by the federal government, the state or a political subdivision of the state, including a county or municipality or instrumentality thereof;
- (25) "Grave" or "plot", a place of ground in a cemetery, used or intended to be used for burial of human remains;
- (26) "Human remains", the body of a deceased person in any state of decomposition, as well as cremated remains;
- (27) "Inurnment", placing an urn containing cremated remains in a burial space;
- (28) "Lawn crypt", a burial vault or other permanent container for a casket which is permanently installed below ground prior to the time of the actual interment. A lawn crypt may permit single or multiple interments in a grave space;
- (29) "Mausoleum", a structure or building for the entombment of human remains in crypts;
- (30) "Niche", a space in a columbarium used or intended to be used for inurnment of cremated remains;
- (31) "Nonendowed care cemetery", or "nonendowed cemetery", a cemetery or a section of a cemetery for which no endowed care trust fund has been established in accordance with sections 214.270 to 214.410;
- (32) "Office", the office of endowed care cemeteries within the division of professional registration;
- (33) "Owner of burial space", a person to whom the cemetery operator or his authorized agent has transferred the right of use of burial space;
- (34) "Person", an individual, corporation, partnership, joint venture, association, trust or any other legal entity;
- (35) "Registry", the list of cemeteries maintained in the division office for public review. The division may charge a fee for copies of the registry;
- (36) "Religious cemetery", a cemetery owned, operated, controlled or managed by any church, convention of churches, religious order or affiliated auxiliary thereof in which the sale of burial space is restricted solely to its members and their immediate families;
- (37) "Surface lawn crypt", a sealed burial chamber whose lid protrudes above the land surface;

- (38) "Total acreage", the entire tract which is dedicated to or reserved for cemetery purposes;
- (39) "Trustee of an endowed care fund", the separate legal entity **qualified under section 214.330** appointed as trustee of an endowed care fund.

214.276. 1. The division may refuse to issue or renew any license, required pursuant to sections 214.270 to 214.516 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621, RSMo, against any holder of any license, required by sections 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 214.270 to 214.516;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 214.270 to 214.516, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination given or required pursuant to sections 214.270 to 214.516;

(4) Obtaining or attempting to obtain any fee, charge or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession regulated by sections 214.270 to 214.516;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to 214.516;

(7) Impersonation of any person holding a license or allowing any person to use his or her license;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible to practice pursuant to sections 214.270 to 214.516;

(11) Issuance of a license based upon a material mistake of fact;

(12) Failure to display a valid license;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Willfully and through undue influence selling a burial space, cemetery services or merchandise.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, or revoke the license or permit **or may impose a penalty allowed by subsection 4 of section 214.410**. No new license shall be issued to the owner or operator of a cemetery or to any corporation controlled by such owner for three years after the revocation of the certificate of the owner or of a corporation controlled by the owner.

4. [Operators of all existing endowed care or nonendowed care cemeteries shall, prior to August twenty-eighth following August 28, 2001, apply for a license pursuant to this section. All endowed care or nonendowed care cemeteries operating in compliance with sections 214.270 to 214.516 prior to August twenty-eighth following August 28, 2001, shall be granted a license by the division upon receipt of application.

5.] The division may settle disputes arising under subsections 2 and 3 of this section by consent agreement or settlement agreement between the division and the holder of a license. Within such a settlement agreement, the division

may singly or in combination impose any discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of such disputes shall be entered into pursuant to the procedures set forth in section 621.045, RSMo.

**5. Use of the procedures set out in this section shall not preclude the application of any other remedy provided by this chapter.**

214.277. 1. Upon application by the division, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee.

2. [Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3.] Any action brought pursuant to this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

**214.282. 1. Each contract sold by a cemetery operator for cemetery services or for grave lots, grave spaces, markers, monuments, memorials, tombstones, crypts, niches, mausoleums, or other receptacles shall be voidable by the purchaser and deemed unenforceable unless:**

(1) It is in writing;

(2) It is executed by a cemetery operator who is in compliance with the licensing provisions of this chapter;

(3) It identifies the contract purchaser and identifies the cemetery services or other items to be provided;

(4) It identifies the name and address of any trustee or escrow agent that will receive payments made pursuant to the contract under the provisions of sections 214.320, 214.330, or 214.387, if applicable;

(5) It contains the name and address of the cemetery operator; and

(6) It identifies any grounds for cancellation by the purchaser or by the cemetery operator on default of payment.

2. If a cemetery prearranged contract does not substantially comply with the provisions of this section, all payments made under such contract shall be recoverable by the purchaser, or the purchaser's legal representative, from the contract seller or other payee thereof, together with interest at the rate of ten percent per annum and all reasonable costs of collection, including attorneys' fees.

214.283. 1. Any person, entity, association, city, town, village, county or political subdivision that purchases, receives or holds any real estate used for the burial of dead human bodies, excluding a family burial ground, shall notify the office of the endowed care cemeteries of the name, location and address of such real estate on a form approved by the office, before October 1, 2010, or within thirty days of purchasing, receiving or holding such land or of being notified by the office of the requirements of this provision. No fee shall be charged for such notification nor shall any penalty be assessed for failure to register. This section shall not be deemed to exempt any operator of an endowed care cemetery or non-endowed care cemetery from being duly licensed as required by this chapter.

2. The division shall establish and maintain a registry of cemeteries and the registry shall be available to the public for review at the division office or copied upon request. The division may charge a fee for copies of the register.

(1) If, in the course of a land survey of property located in this state, a surveyor licensed pursuant to chapter 327, RSMo, locates any cemetery which has not been previously registered, the surveyor shall file a statement with the division regarding the location of the cemetery. The statement shall be filed on a form as defined by division rule. No fee shall be charged to the surveyor for such filing.

(2) Any person, family, group, association, society or county surveyor may submit to the division, on forms provided by the division, the names and locations of any cemetery located in this state for inclusion in the registry. No fee shall be charged for such submissions.

214.300. Any cemetery operator may, after October 13, 1961, qualify to operate a cemetery which has been operated as a nonendowed cemetery for a minimum of two years, as an endowed care cemetery by:

(1) So electing in compliance with section 214.280;



- (2) Establishing an endowed care **trust** fund in cash of one thousand dollars for each acre in said cemetery with a minimum of five thousand dollars and a maximum of twenty-five thousand dollars;
- (3) Filing the report required by section 214.340.

214.310. 1. Any cemetery operator who elects to operate a new cemetery as an endowed care cemetery or who represents to the public that perpetual, permanent, endowed, continual, eternal care, care of duration or similar care will be furnished cemetery property sold shall create an endowed care **trust** fund and shall deposit a minimum of twenty-five thousand dollars for cemeteries that have in excess of one hundred burials annually or a minimum of five thousand dollars for cemeteries that have one hundred or less burials annually in such fund before selling or disposing of any burial space in said cemetery, or in lieu thereof such cemetery owner may furnish a surety bond issued by a bonding company or insurance company authorized to do business in this state in the face amount of thirty thousand dollars, and such bond shall run to the office of endowed care cemeteries for the benefit of the care **trust** funds held by such cemetery. This bond shall be for the purpose of guaranteeing an accumulation of twenty-five thousand dollars in such care **trust** fund and also for the further purpose of assuring that the cemetery owner shall provide annual perpetual or endowment care in an amount equal to the annual reasonable return on a secured cash investment of twenty-five thousand dollars until twenty-five thousand dollars is accumulated in said endowed care **trust** funds, and these shall be the conditions of such surety bond; provided, however, the liability of the principal and surety on the bond shall in no event exceed thirty thousand dollars. Provided further, that whenever a cemetery owner which has made an initial deposit to the endowed care **trust** fund demonstrates to the satisfaction of the administrator of the office of endowed care cemeteries that more than twenty-five thousand dollars has been accumulated in the endowed care **trust** fund, the cemetery owner may petition the administrator of the office of endowed care cemeteries for an order to dissolve the surety bond requirement, so long as at least twenty-five thousand dollars always remains in the endowed care **trust** fund.

2. Construction of a mausoleum, lawn crypt, columbarium or crematorium as part of a cemetery then operated as an endowed care cemetery shall not be considered the establishment of a new cemetery for purposes of this section.

3. Any endowed care cemetery which does not maintain a [fully] **adequately** staffed office in the county in which the cemetery is located shall have prominently displayed on the premises a sign clearly stating the operator's name, address and telephone number. If the operator does not reside in the county in which the cemetery is located, the sign shall also state the name, address and telephone number of a resident of the county who is the authorized agent of the operator or the location of an office of the cemetery which is within ten miles of such cemetery. In jurisdictions where ordinances require signs to meet certain specifications, a weatherproof notice containing the information required by this subsection shall be sufficient.

214.320. 1. An operator of an endowed care cemetery shall establish and deposit in an endowed care **trust** fund not less than the following amounts for burial space sold or disposed of, with such deposits to the endowed care **trust** fund to be made [semiannually] **monthly** on all burial space that has been fully paid for to the date of deposit:

(1) A minimum of fifteen percent of the gross sales price, or twenty dollars, whichever is greater, for each grave space sold;

(2) A minimum of ten percent of the gross sales price of each crypt or niche sold in a community mausoleum, or a minimum of one hundred dollars for each crypt or [ten dollars for each niche sold in a garden mausoleum] **fifty dollars for each niche sold in a community mausoleum, whichever is greater;**

(3) **A minimum of ten percent of the gross sales price of each crypt or niche sold in a garden mausoleum, or a minimum of one hundred dollars for each crypt or twenty-five dollars for each niche sold in a garden mausoleum, whichever is greater;**

(4) A minimum of [seventy-five dollars per grave space for] **ten percent of the gross sales price of each lawn crypt sold or a minimum of seventy-five dollars, whichever is greater.**

2. Notwithstanding the provisions of subdivision (2) of subsection 1 of this section, a cemetery operator who has made the initial deposit in trust as required by sections 214.270 to 214.410 from his own funds, and not from funds deposited with respect to sales of burial space, may deposit only one-half the minimum amounts set forth in subdivisions (1) and (2) of subsection 1 of this section, until he shall have recouped his entire initial deposit. Thereafter, he shall make the minimum deposits required under subdivisions (1), (2) [and], (3), **and (4)** of subsection 1 of this section.

3. **As required by section 214.340**, each operator of an endowed care cemetery shall[, after August 28, 1990,] file with the division of professional registration, on a form provided by the division, an annual endowed care trust fund report. The operator of any cemetery representing the cemetery, or any portion of the cemetery, as an endowed care cemetery shall make available to the division for inspection or audit at any reasonable time only those cemetery records and trust fund records necessary to determine whether the cemetery's endowed care **trust** fund is in compliance with sections 214.270 to 214.410. Each cemetery operator who has established a [segregated] **escrow** account pursuant to

section [214.385] **214.387** shall make available to the division for inspection or audit at any reasonable time those cemetery records and financial institution records necessary to determine whether the cemetery operator is in compliance with the provisions of section [214.385]. All documents, records, and work product from any inspections or audits performed by or at the direction of the division shall remain in the possession of the division of professional registration and shall not be sent to the state board of embalmers and funeral directors. No charge shall be made for such inspections or audits] **214.387**.

4. [If any endowed care cemetery operator conducts the trust fund accounting and record keeping outside of this state, then such operator shall maintain current and accurate copies of such accounting and record keeping within this state and such copies shall be readily available to the division for inspection or audit purposes.

5.] No cemetery operator shall operate or represent to the public by any title, description, or similar terms that a cemetery provides endowed care unless the cemetery is in compliance with the provisions of sections 214.270 to 214.410.

**5. A cemetery operator shall be exempt from the provisions of chapter 436 for the sale of cemetery services or for grave lots, grave spaces, markers, monuments, memorials, tombstones, crypts, niches or mausoleums, outer burial containers or other receptacle. A cemetery operator shall be prohibited from adjusting or establishing the sales price of items with the intent of evading the trusting or escrow provisions of this chapter.**

214.325. If the deposits to any endowed care **trust** fund [required by sections 214.270 to 214.410] are less than the total sum required to be set aside and deposited since the effective date of such sections, the cemetery operator shall correct such deficiency by depositing not less than twenty percent of such deficiency each year for five years [following August 28, 1990,] and shall file, on the form provided by the division, a statement outlining the date and amount such deposits were made. If the cemetery operator fails to correct the deficiency **with respect to funds maintained under section 214.330**, the cemetery operator shall thereafter not represent the cemetery as an endowed care cemetery. Any funds held in the cemetery's endowed care trust shall continue to be used for endowed care for that cemetery. The cemetery operator shall remain subject to the provisions of sections 214.270 to 214.410 for any cemetery or any section of the cemetery for which endowed care payments have been collected, subject to the penalties contained in section 214.410, and civil actions as well as subject to any regulations promulgated by the division. **For purposes of this section, the term "deficiency" shall mean a deficiency in the amount required to be deposited pursuant to section 214.320, or a deficiency created by disbursements in excess of what is permitted under section 214.330 and shall not include or be affected by deficiencies or shortages caused by the fluctuating value of investments.**

214.330. 1. [The endowed care fund required by sections 214.270 to 214.410 shall be permanently set aside in trust or in accordance with the provisions of subsection 2 of this section. The trustee of the endowed care trust shall be a state- or federally chartered financial institution authorized to exercise trust powers in Missouri and located in this state. The income from the endowed care fund shall be distributed to the cemetery operator at least annually or in other convenient installments. The cemetery operator shall have the duty and responsibility to apply the income to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the endowed care fund shall have been established and not for any other purpose. The principal of such funds shall be kept intact and appropriately invested by the trustee, or the independent investment advisor. An endowed care trust agreement may provide that when the principal in an endowed care trust exceeds two hundred fifty thousand dollars, investment decisions regarding the principal and undistributed income may be made by a federally registered or Missouri-registered independent qualified investment advisor designated by the cemetery owner, relieving the trustee of all liability regarding investment decisions made by such qualified investment advisor. It shall be the duty of the trustee, or the investment advisor, in the investment of such funds to exercise the diligence and care men of ordinary prudence, intelligence and discretion would employ, but with a view to permanency of investment considering probable safety of capital investment, income produced and appreciation of capital investment. The trustee's duties shall be the maintenance of records and the accounting for and investment of moneys deposited by the operator to the endowed care fund. For the purposes of sections 214.270 to 214.410, the trustee or investment advisor shall not be deemed to be responsible for the care, the maintenance, or the operation of the cemetery, or for any other matter relating to the cemetery, including, but not limited to, compliance with environmental laws and regulations. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator and for the opening and closing of all graves, crypts, or niches for human remains in any cemetery property owned by the cemetery operator.

2. If the endowed care cemetery fund is not permanently set aside in a trust fund as required by subsection 1 of this section then the funds shall be permanently set aside in a segregated bank account which requires the signature of the cemetery owner and either the administrator of the office of endowed care cemeteries, or the signature of a

licensed practicing attorney with escrow powers in this state as joint signatories for any distribution from the trust fund. No funds shall be expended without the signature of either the administrator of the office of endowed care cemeteries, or a licensed practicing attorney with escrow powers in this state. The account shall be insured by the Federal Deposit Insurance Corporation or comparable deposit insurance and held in the state- or federally chartered financial institution authorized to do business in Missouri and located in this state. The income from the endowed care fund shall be distributed to the cemetery operator at least in annual or semiannual installments. The cemetery operator shall have the duty and responsibility to apply the income to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the endowed care fund shall have been established and not for any other purpose. The principal of such funds shall be kept intact and appropriately invested by the cemetery operator with written approval of either the administrator of the office of endowed care cemeteries or a licensed practicing attorney with escrow powers in this state. It shall be the duty of the cemetery owner in the investment of such funds to exercise the diligence and care a person of reasonable prudence, intelligence and discretion would employ, but with a view to permanency of investment considering probable safety of capital investment, income produced and appreciation of capital investment. The cemetery owner's duties shall be the maintenance of records and the accounting for an investment of moneys deposited by the operator to the endowed care fund. For purposes of sections 214.270 to 214.410, the administrator of the office of endowed care cemeteries or the licensed practicing attorney with escrow powers in this state shall not be deemed to be responsible for the care, maintenance, or operation of the cemetery. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator and for the opening and closing of all graves, crypts, or niches for human remains in any cemetery property owned by the cemetery operator.

3. The cemetery operator shall be accountable to the owners of burial space in the cemetery for compliance with sections 214.270 to 214.410.

4. All endowed care funds shall be administered in accordance with an endowed care fund agreement. The endowed care fund agreement shall be subject to review and approval by the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers in this state. The endowed care cemetery shall be notified in writing by the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers in this state regarding the approval or disapproval of the endowed care fund agreement and regarding any changes required to be made for compliance with this chapter and the rules and regulations promulgated thereunder. A copy of the proposed endowed care fund agreement shall be submitted to the office of endowed care cemeteries. The office of endowed care cemeteries or a licensed practicing attorney with escrow powers in this state shall notify the endowed care cemetery in writing of approval and of any required change. Any amendment or change to the endowed care fund agreement shall be submitted to the office of endowed care cemeteries or to a licensed practicing attorney with escrow powers in this state for review and approval. Said amendment or change shall not be effective until approved by the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers in this state. All endowed care cemeteries shall be under a continuing duty to file with the office of endowed care cemeteries or with a licensed practicing attorney with escrow powers in this state and to submit for approval any and all changes, amendment, or revisions of the endowed care fund agreement.

5. No principal shall be distributed from an endowed care trust fund except to the extent that a unitrust election is in effect with respect to such trust under the provisions of section 469.411, RSMo.] **The endowed care trust fund required by sections 214.270 to 214.410 shall be permanently set aside in trust or in accordance with the provisions of subsection 2 of this section. The trustee of the endowed care trust shall be a state or federally chartered financial institution authorized to exercise trust powers in Missouri. The contact information for a trust officer or duly appointed representative of the trustee with knowledge and access to the trust fund accounting and trust fund records must be disclosed to the office or its duly authorized representative upon request.**

(1) **The trust fund records, including all trust fund accounting records, shall be maintained in the state of Missouri at all times or shall be electronically stored so that the records may be made available in the state of Missouri within fifteen business days of receipt of a written request. The operator of an endowed care cemetery shall maintain a current name and address of the trustee and the records custodian for the endowed care trust fund and shall supply such information to the office, or its representative, upon request;**

(2) **Missouri law shall control all endowed care trust funds and the Missouri courts shall have jurisdiction over endowed care trusts regardless of where records may be kept or various administrative tasks may be performed.**

**2. An endowed care trust fund shall be administered in accordance with Missouri law governing trusts, including but not limited to the applicable provisions of chapters 456 and 469, except as specifically provided in this subsection or where the provisions of sections 214.270 to 214.410 provide differently, provided that a cemetery**

operator shall not in any circumstances be authorized to restrict, enlarge, change, or modify the requirements of this section or the provisions of chapters 456 and 469 by agreement or otherwise.

(1) Income and principal of an endowed care trust fund shall be determined under the provisions of law applicable to trusts, except that the provisions of section 469.405 shall not apply.

(2) No principal shall be distributed from an endowed care trust fund except to the extent that a unitrust election is in effect with respect to such trust under the provisions of section 469.411.

(3) No right to transfer jurisdiction from Missouri under section 456.1-108 shall exist for endowed care trusts.

(4) All endowed care trusts shall be irrevocable.

(5) No trustee shall have the power to terminate an endowed care trust fund under the provisions of section 456.4-414.

(6) A unitrust election made in accordance with the provisions of chapter 469 shall be made by the cemetery operator in the terms of the endowed care trust fund agreement itself, not by the trustee.

(7) No contract of insurance shall be deemed a suitable investment for an endowed care trust fund.

(8) The income from the endowed care fund may be distributed to the cemetery operator at least annually on a date designated by the cemetery operator, but no later than sixty days following the end of the trust fund year. Any income not distributed within sixty days following the end of the trust's fiscal year shall be added to and held as part of the principal of the trust fund.

3. The cemetery operator shall have the duty and responsibility to apply the income distributed to provide care and maintenance only for that part of the cemetery designated as an endowed care section and not for any other purpose.

4. In addition to any other duty, obligation, or requirement imposed by sections 214.270 to 214.410 or the endowed care trust agreement, the trustee's duties shall be the maintenance of records related to the trust and the accounting for and investment of moneys deposited by the operator to the endowed care trust fund.

(1) For the purposes of sections 214.270 to 214.410, the trustee shall not be deemed responsible for the care, the maintenance, or the operation of the cemetery, or for any other matter relating to the cemetery, or the proper expenditure of funds distributed by the trustee to the cemetery operator, including, but not limited to, compliance with environmental laws and regulations.

(2) With respect to cemetery property maintained by endowed care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property.

5. If the endowed care cemetery fund is not permanently set aside in a trust fund as required by subsection 1 of this section, then the funds shall be permanently set aside in an escrow account in the state of Missouri. Funds in an escrow account shall be placed in an endowed care trust fund under subsection 1 if the funds in the escrow account exceed three hundred fifty thousand dollars, unless otherwise approved by the division for good cause. The account shall be insured by the Federal Deposit Insurance Corporation or comparable deposit insurance and held in a state or federally chartered financial institution authorized to do business in Missouri and located in this state.

(1) The interest from the escrow account may be distributed to the cemetery operator at least in annual or semiannual installments, but not later than six months following the calendar year. Any interest not distributed within six months following the end of the calendar year shall be added to and held as part of the principal of the account.

(2) The cemetery operator shall have the duty and responsibility to apply the interest to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the escrow account shall have been established and not for any other purpose. The principal of such funds shall be kept intact. The cemetery operator's duties shall be the maintenance of records and the accounting for an investment of moneys deposited by the operator to the escrow account. For purposes of sections 214.270 to 214.410, the administrator of the office of endowed care cemeteries shall not be deemed to be responsible for the care, maintenance, or operation of the cemetery. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator.

(3) The division may approve an escrow agent if the escrow agent demonstrates the knowledge, skill, and ability to handle escrow funds and financial transactions and is of good moral character.

6. The cemetery operator shall be accountable to the owners of burial space in the cemetery for compliance with sections 214.270 to 214.410.

7. Excluding funds held in an escrow account, all endowed care trust funds shall be administered in accordance with an endowed care trust fund agreement, which shall be submitted to the office by the cemetery

operator for review and approval. The endowed care cemetery shall be notified in writing by the office of endowed care cemeteries regarding the approval or disapproval of the endowed care trust fund agreement and regarding any changes required to be made for compliance with sections 214.270 to 214.410 and the rules and regulations promulgated thereunder.

8. All endowed care cemeteries shall be under a continuing duty to file with the office of endowed care cemeteries and to submit for prior approval any and all changes, amendments, or revisions of the endowed care trust fund agreement, at least thirty days before the effective date of such change, amendment, or revision.

9. If the endowed care trust fund agreement, or any changes, amendments, or revisions filed with the office, are not disapproved by the office within thirty days after submission by the cemetery operator, the endowed care trust fund agreement, or the related change, amendment, or revision, shall be deemed approved and may be used by the cemetery operator and the trustee. Notwithstanding any other provision of this section, the office may review and disapprove an endowed care trust fund agreement, or any submitted change, amendment, or revision, after the thirty days provided herein or at any other time if the agreement is not in compliance with sections 214.270 to 214.410 or the rules promulgated thereunder. Notice of disapproval by the office shall be in writing and delivered to the cemetery operator and the trustee within ten days of disapproval.

10. Funds in an endowed care trust fund or escrow account may be commingled with endowed care funds for other endowed care cemeteries, provided that the cemetery operator and the trustee shall maintain adequate accounting records of the disbursements, contributions, and income allocated for each cemetery.

11. By accepting the trusteeship of an endowed care trust or accepting funds as an escrow agent pursuant to sections 214.270 to 214.410, the trustee or escrow agent submits personally to the jurisdiction of the courts of this state and the office of endowed care cemeteries regarding the administration of the trust or escrow account. A trustee or escrow agent shall consent in writing to the jurisdiction of the state of Missouri and the office in regards to the trusteeship or the operation of the escrow account and to the appointment of the office of secretary of state as its agent for service of process regarding any administrative or legal actions relating to the trust or the escrow account, if it has no designated agent for service of process located in this state. Such consent shall be filed with the office prior to accepting funds pursuant to sections 214.270 to 214.410 as trustee or as an escrow agent on a form provided by the office by rule.

214.335. 1. Any endowed care cemetery may require a contribution to the endowed care fund or to a separate memorial care fund for each memorial or monument installed on a grave in the cemetery. Such contribution, if required by a cemetery, shall not exceed twenty cents per square inch of base area, and shall be charged on every installation regardless of the person performing the installation. Each contribution made pursuant to a contract or agreement entered into after August 28, 1990, shall be entrusted and administered pursuant to sections 214.270 to 214.410 for the endowed care fund. Each contribution made pursuant to a contract or agreement entered into before August 28, 1990, shall be governed by the law in effect at the time the contract or agreement was entered into.

2. If the deposits to any endowed care trust fund are less than the total sum required to be set aside and deposited since the effective date of such sections, the cemetery operator shall correct such deficiency by depositing not less than twenty percent of such deficiency each year for five years and shall file, on the form provided by the division, a statement outlining the date and amount such deposits were made. If the cemetery operator fails to correct the deficiency with respect to funds maintained under section 214.330, the cemetery operator shall thereafter not represent the cemetery as an endowed care cemetery. Any funds held in the cemetery's endowed care trust shall continue to be used for endowed care for that cemetery. The cemetery operator shall remain subject to the provisions of sections 214.270 to 214.410 for any cemetery or any section of the cemetery for which endowed care payments have been collected, subject to the penalties contained in section 214.410, and civil actions, as well as subject to any regulations promulgated by the division. For purposes of this section, the term "deficiency" shall mean a deficiency in the amount required to be deposited pursuant to subsection 1 of this section, or a deficiency created by disbursements in excess of what is permitted under section 214.330 and shall not include or be affected by deficiencies or shortages caused by the fluctuating value of investments.

214.340. 1. Each operator of an endowed care cemetery shall maintain at an office in the cemetery or, if the cemetery has no office in the cemetery, at an office within a reasonable distance of the cemetery, the reports of the endowed care trust fund's operation for the preceding seven years. Each report shall contain, at least, the following information:

(1) Name and address of the trustee of the endowed care trust fund and the depository, if different from the trustee;

- (2) Balance per previous year's report;
- (3) Principal contributions received since previous report;
- (4) Total earnings since previous report;
- (5) Total distribution to the cemetery operator since the previous report;
- (6) Current balance;
- (7) A statement of all assets listing cash, real or personal property, stocks, bonds, and other assets, showing cost, acquisition date and current market value of each asset;
- (8) Total expenses, excluding distributions to cemetery operator, since previous report; and
- (9) A statement of the cemetery's total acreage and of its developed acreage.

2. Subdivisions (1) through (7) of the report described in subsection 1 above shall be certified to under oath as complete and correct by a corporate officer of the trustee. Subdivision (8) of such report shall be certified under oath as complete and correct by an officer of the cemetery operator. Both the trustee and cemetery operator or officer shall be subject to the penalty of making a false affidavit or declaration.

3. The report shall be placed in the cemetery's office within ninety days of the close of the trust's fiscal year. A copy of this report shall be filed by the cemetery operator with the division of professional registration as condition of license renewal as required by subsection 4 of section 214.275. [The report shall not be sent to the state board of embalmers and funeral directors.]

4. Each cemetery operator who establishes [a segregated] **an escrow or trust** account pursuant to [subsection 1 of section 214.385] **section 214.387** shall file with the report required under subsection 1 of this section [a segregated] **an escrow or trust** account report that shall provide the following information:

- (1) The [number of monuments, markers and memorials] **total face value of all contracts for burial merchandise and services** that have been deferred for delivery by purchase designation; **and**
- (2) [The aggregate wholesale cost of all such monuments, markers and memorials; and
- (3)] The amount on deposit in the [segregated] **escrow or trust** account established pursuant to section [214.385] **214.387**, and the account number **in the case of an escrow account**.

214.345. 1. Any cemetery operator who negotiates the sale of burial space in any cemetery located in this state shall provide each prospective owner of burial space a written statement, which may be a separate form or a part of the sales contract, which states and explains in plain language that the burial space is part of an endowed care cemetery; that the cemetery has established and maintains the endowed care **trust** fund required by law; and that the information regarding the fund described in section 214.340 is available to the prospective purchaser. If the burial space is in a nonendowed cemetery, or in a nonendowed section of an endowed care cemetery, the cemetery operator shall state he has elected not to establish an endowed care **trust** fund.

2. The operator of each endowed care cemetery shall, upon request, give to the public for retention a copy of the endowed care **trust** fund annual report prepared pursuant to the provisions of subsection 1 of section 214.340.

214.360. No cemetery operator, nor any director, officer or shareholder of any cemetery may borrow or in any other way make use of the endowed care **trust** funds for his own use, directly or indirectly, or for furthering or developing his or any other cemetery, nor may any trustee lend or make such funds available for said purpose or for the use of any operator or any director, officer or shareholder of any cemetery.

214.363. In the event of a cemetery's bankruptcy, insolvency, or assignment for the benefit of creditors, the endowed care **trust** funds shall not be available to any creditor as assets of the cemetery's owner or to pay any expenses of any bankruptcy or similar proceeding, but shall be retained intact to provide for the future maintenance of the cemetery.

214.365. Prior to any action as provided in subsection 2 of section 214.205, and when the division has information that a [public] cemetery is not providing maintenance and care, has been abandoned, or has ceased operation, the division may investigate the cemetery to determine the cemetery's current status. If the division finds evidence that the cemetery is abandoned, is not conducting business, or is not providing maintenance and care, the division may apply to the circuit court for appointment as receiver, trustee, or successor in trust.

214.367. 1. **Prior to selling or otherwise disposing of a majority of the business assets of a cemetery, or a majority of its stock or other ownership interest, if a corporation or other organized business entity, the cemetery operator shall provide written notification to the division of its intent at least thirty days prior to the date set for the transfer, or the closing of the sale, or the date set for termination of its business. Such notice is**

confidential and shall not be considered a public record subject to the provisions of chapter 610 until the sale of the cemetery has been effectuated. Upon receipt of the written notification, the division may take reasonable and necessary action to determine that the cemetery operator has made proper plans to assure that trust funds or funds held in an escrow account for or on behalf of the cemetery will be set aside and used as provided in sections 214.270 to 214.410, including, but not limited to, an audit or examination of books and records. The division may waive the requirements of this subsection or may shorten the period of notification for good cause or if the division determines in its discretion that compliance with its provisions are not necessary.

2. A cemetery operator may complete the sale, transfer, or cessation if the division does not disapprove the transaction within thirty days after receiving notice. Nothing in this section shall be construed to restrict any other right or remedy vested in the division or the attorney general.

3. A prospective purchaser or transferee of [any endowed care] **endowed or unendowed** cemetery, with the written consent of the cemetery operator, may obtain a copy of the cemetery's most recent audit or inspection report from the division. The division shall inform the prospective purchaser or transferee, within thirty days, whether the cemetery may continue to operate and be represented as [an endowed care] a cemetery.

214.387. 1. [Upon written instructions from the purchaser of burial merchandise or burial services set forth in a cemetery prearranged contract, a cemetery may defer delivery of such burial merchandise or a warehouse receipt for the same under section 214.385, or performance of services, to a date designated by the purchaser, provided the cemetery operator, after deducting sales and administrative costs not to exceed twenty percent of the purchase price, deposits the remaining portion of the purchase price into an escrow or trust account as herein provided, within sixty days following receipt of payment from the purchaser. Funds so deposited pursuant to this section shall be maintained in such account until delivery of the property or the performance of services is made or the contract for the purchase of such property or services is canceled. The account is subject to inspection, examination or audit by the division. No withdrawals may be made from the escrow or trust account established pursuant to this section except as herein provided.

2. Upon written instructions from the purchaser of an interment, entombment, or inurnment cemetery service, a cemetery may defer performance of such service to a date designated by the purchaser, provided the cemetery operator, within forty-five days of the date the agreement is paid in full, deposits from its own funds an amount equal to eighty percent of the published retail price into a trustee account. Funds deposited in a trustee account pursuant to this section and section 214.385 shall be maintained in such account until delivery of the service is made or the agreement for the purchase of the service is canceled. No withdrawals may be made from the trustee account established pursuant to this section and section 214.385 except as provided herein. Money in this account shall be invested utilizing the prudent man theory and is subject to audit by the division. Names and addresses of depositories of such money shall be submitted with the annual report.

3. Upon the delivery of the interment, entombment, or inurnment cemetery service agreed upon by the cemetery or its agent, or the cancellation of the agreement for the purchase of such service, the cemetery operator may withdraw from the trustee account an amount equal to (i) the market value of the trustee account based on the most recent account statement issued to the cemetery operator, times (ii) the ratio the service's deposit in the account bears to the aggregate deposit of all services which are paid in full but not delivered. The trustee account may be inspected or audited by the division.

4. The provisions of this section shall apply to all agreements entered into after August 28, 2002.] **With the exception of sales made pursuant to section 214.385, all sales of prearranged burial merchandise and services shall be made pursuant to this section.**

2. Upon written instructions from the purchaser of burial merchandise or burial services set forth in a cemetery prearranged contract, a cemetery may defer delivery of such burial merchandise or a warehouse receipt for the same under section 214.385, or performance of services, to a date designated by the purchaser, provided the cemetery operator, after deducting sales and administrative costs associated with the sale, not to exceed twenty percent of the purchase price, deposits the remaining portion of the purchase price into an escrow or trust account as herein provided, within sixty days following receipt of payment from the purchaser. Funds so deposited pursuant to this section shall be maintained in such account until delivery of the property or the performance of services is made or the contract for the purchase of such property or services is cancelled, and fees and costs associated with the maintenance of the trust or escrow arrangement shall be charged to these funds. The account is subject to inspection, examination or audit by the division. No withdrawals may be made from the escrow or trust account established pursuant to this section except as herein provided.

3. Each escrow arrangement must comply with the following:

(1) The escrow agent shall be located in Missouri, authorized to exercise escrow powers, and shall maintain the escrow records so that they may be accessed and produced for inspection within five business days

of the agent's receipt of a written request made by the office or its duly authorized representative. A cemetery operator shall not serve as an escrow agent for the cemetery operator's account nor shall the escrow agent be employed by or under common ownership with the cemetery operator. The cemetery operator shall maintain a current name and address for the escrow agent with the office, and shall obtain written approval from the office before making any change in the name or address of the escrow agent. Notwithstanding any other provision of law, information regarding the escrow agent shall be deemed an open record;

(2) The escrow account funds shall be maintained in depository accounts at a Missouri financial institution that provides Federal Deposit Insurance Corporation or comparable deposit insurance;

(3) The escrow arrangement shall be administered by the escrow agent pursuant to an agreement approved by the office under the same filing and approval procedure as that set forth for endowed care trust fund agreements in section 214.330;

(4) The operator shall establish a separate depository account for each cemetery prearranged contract administered pursuant to this subsection;

(5) The division may promulgate by rule a form escrow agreement to be used by a cemetery operator operating pursuant to this section.

4. Each trust must comply with the following:

(1) The trustee shall be a state or federally chartered financial institution authorized to exercise trust powers in Missouri, provided that a foreign financial institution must be approved by the office;

(2) The trust fund records, including all trust fund accounting records, shall either be maintained in the state of Missouri or shall be electronically stored so that the records may be made available within fifteen business days of the trustee's receipt of a written request made by the office or its duly authorized representative. The cemetery operator shall maintain a current name and address of the trustee and the records custodian and shall supply such information to the office or its representative upon request;

(3) The principal of such funds shall be appropriately invested pursuant to the prudent investor rule under chapter 469, provided that no trust funds shall be invested in any term insurance product;

(4) Payments regarding two or more cemetery prearranged contracts may be deposited into and commingled in the same trust, so long as adequate records are made available to the trustee to account for cemetery prearranged contracts on an individual basis with regard to deposits, earnings, distributions, and any taxes;

(5) Trust instruments shall be subject to the same filing and approval procedure as that set forth for endowed care trust fund agreements under section 214.330;

(6) A trustee may commingle the funds from trusts of unrelated cemetery operators for investment purposes if the trustee has adequate accounting for the allocations, disbursements, payments, and income among the participating trusts.

5. The income from escrow accounts, after payment of expenses associated with the arrangement, shall be distributed to the cemetery operator. All other distributions from trusts and escrow accounts shall be made pursuant to forms approved by the office. For performance of a cemetery prearranged contract, a certificate of performance form signed by the cemetery operator shall be required for distribution. For cancellation of a cemetery prearranged contract, a certificate of cancellation form signed by the cemetery operator and the purchaser shall be required for distribution.

6. A cemetery prearranged contract is subject to cancellation as follows:

(1) At any time before the final disposition of the deceased, or before the services or merchandise described in this section are provided, the purchaser may cancel the contract without cause by delivering written notice thereof to the operator. Within fifteen days after its receipt of such notice, the cemetery operator shall pay to the purchaser a net amount equal to eighty percent of all payments made under the contract. The cemetery operator shall be entitled to keep one-half of the interest earned on trust funds. Upon delivery of the purchaser's receipt for such payment to the escrow agent or trustee, the escrow agent or trustee shall distribute to the cemetery operator from the escrow account or trust an amount equal to all deposits made into the escrow account or trust for the contract;

(2) Notwithstanding the provisions of subdivision (1) of this subsection, if a purchaser is eligible, becomes eligible, or desires to become eligible, to receive public assistance under chapter 208 or any other applicable state or federal law, the purchaser may irrevocably waive and renounce his right to cancel the contract pursuant to the provisions of subdivision (1) of this section, which waiver and renunciation shall be made in writing and delivered to the cemetery operator;



(3) Notwithstanding the provisions of subdivision (1) of this subsection, any purchaser, within thirty days of receipt of the executed contract, may cancel the contract without cause by delivering written notice thereof to the cemetery operator, and receive a full refund of all payments made on the contract;

(4) Notwithstanding the provisions of subdivision (1) of this subsection, once any purchase order is entered for the production or manufacture of burial merchandise, per the purchaser's written request, the purchaser's obligation to pay for said burial merchandise shall be noncancellable;

(5) No funds subject to a purchaser's right of cancellation hereunder shall be subject to the claims of the cemetery operator's creditors.

7. Burial merchandise sold through a contract with a cemetery or cemetery operator which is entered into after the death of the individual for whom the burial merchandise is intended shall not be subject to any trusting or escrow requirement of this section.

8. This section shall apply to all agreements entered into after August 28, 2010.

214.389. 1. The division may direct a trustee, financial institution, or escrow agent to suspend distribution from an endowed care trust fund or escrow account if the cemetery operator does not have a current and active cemetery operator license, has failed to file an annual report, or if, after an audit or examination, the division determines there is a deficiency in an endowed care trust fund or escrow account maintained under section 214.330 and the cemetery operator has failed to file a corrective action plan detailing how the deficiency shall be remedied. For purposes of this section, a deficiency shall only be deemed to exist if, after an audit or examination, the division determines a cemetery operator has failed to deposit the total aggregate of funds required to be deposited in trust or an escrow account pursuant to section 214.320 or subsection 1 of section 214.335, or has received disbursements from the trust or escrow account in excess of what is permitted under section 214.330. No deficiency shall be deemed to be created by fluctuations in the value of investments held in trust or escrow.

2. The division shall provide written notification to the cemetery operator and the trustee, financial institution, or escrow agent within fourteen days of discovering a potential violation as described in this section. Upon receipt of written notification from the division, the cemetery operator shall have sixty days to cure any alleged violations or deficiencies cited in the notification without a suspension of distribution. If, after the sixty-day time period, the division feels the cemetery has not cured the alleged violations or deficiencies cited in the notification, the division may send a notice of suspension to the cemetery operator that the division is ordering a suspension of distribution as described in this section. In the event of a suspension of distribution, the amount of any distribution suspended shall become principal, with credit against the deficiency, unless the cemetery operator files an appeal with a court of competent jurisdiction or with the administrative hearing commission, as provided herein. In the event of an appeal, a cemetery operator may request the court or administrative hearing commission stay the suspension of distribution after a showing of necessity and good cause or authorize payment from the endowed care trust fund or escrow account for necessary expenses from any amount subject to distribution.

3. Upon receipt of an order from the division suspending distribution pursuant to this section, a trustee, financial institution, or escrow agent shall immediately suspend distribution as required by the order. A trustee, financial institution, or escrow agent shall be exempt from liability for failure to distribute funds as ordered by the division.

4. A cemetery operator may appeal an order suspending distribution pursuant to this section to the administrative hearing commission. The administrative hearing commission shall receive notice of such appeal within thirty days from the date the notice of suspension was mailed by certified mail. Failure of a person whose license was suspended to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the suspension. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission pursuant to chapter 621.

5. A cemetery operator may apply for reinstatement of distributions upon demonstration that the deficiencies or other problems have been cured or that the operator has otherwise come into compliance.

6. The division may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

214.392. 1. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the provisions of sections 214.270 to 214.410;

(3) Be allowed to convey full authority to each city or county governing body the use of inmates controlled by the department of corrections and the board of probation and parole to care for abandoned cemeteries located within the boundaries of each city or county;

(4) Exercise all budgeting, purchasing, reporting and other related management functions;

(5) **Be authorized, within the limits of the funds appropriated to conduct investigations, examinations, or audits to determine compliance with sections 214.270 to 214.410;**

(6) The division may promulgate rules necessary to implement the provisions of sections 214.270 to 214.516, including but not limited to:

(a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering sections 214.270 to 214.516. All moneys received by the division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such moneys to the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265, RSMo;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

214.400. Sections 214.270 to 214.410 shall be known as the "Cemetery Endowed Care **Trust** Fund Law".

214.410. 1. Any cemetery operator who shall willfully violate any provisions of sections 214.270 to 214.410 for which no penalty is otherwise prescribed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred dollars or shall be confined not more than six months or both.

2. Any cemetery operator who shall willfully violate any provision of [section] **sections** 214.320, 214.330, 214.335, 214.340, 214.360 [or], 214.385, **or 214.387** shall be deemed guilty of a class D felony and upon conviction thereof shall be fined a sum not to exceed ten thousand dollars or shall be confined not more than five years or both. This section shall not apply to cemeteries or cemetery associations which do not sell lots in the cemetery.

3. Any trustee who shall willfully violate any applicable provisions of sections 214.270 to 214.410 shall have committed an unsafe and unsound banking practice and shall be penalized as authorized by chapters 361 and 362, RSMo. This subsection shall be enforced exclusively by the Missouri division of finance for state chartered institutions and the Missouri attorney general for federally chartered institutions.

4. Any person who shall willfully violate any provision of section 214.320, 214.330, 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or order of the division may, in accordance with the regulations issued by the division, be assessed an administrative penalty by the division. The penalty shall not exceed five thousand dollars for each violation and each day of the continuing violation shall be deemed a separate violation for purposes of administrative penalty assessment. However, no administrative penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation. Penalty assessments received shall be deposited in the endowed care cemetery audit fund created in section 193.265, RSMo.

214.500. Any cemetery located in a city [not within a county,] which has become the property of such city pursuant to section 214.205 or a public tax sale may be sold to another cemetery operator or a not-for-profit corporation which is unrelated to the previous cemetery operator.

214.504. Any cemetery operator who purchases a cemetery from a city [not within a county] pursuant to sections 214.500 to 214.516 shall not be liable for any wrongful interments or errors made in the sale of plots prior to the cemetery operator's purchase of the cemetery, nor shall such cemetery operator be liable for multiple ownership of plots sold by such cemetery operator due to a lack of adequate records in such cemetery operator's possession at the time

of such cemetery operator's purchase of such cemetery from the city, provided the cemetery operator offers a plot of equal value for the interment, if such party can prove ownership of the right to bury a person by presenting a contract for the right to burial.

214.508. Any cemetery operator who purchases a cemetery from a city [not within a county] shall not be held liable or responsible for any conditions existing or actions taken which occurred prior to the cemetery operator's purchase from such city; except that, the exemption provided in this section shall not relieve any previous owner or wrongdoer for their actions related to such cemetery.

214.512. Any subsequent cemetery owner after a city [not within a county] shall be exempt from the provisions of section 214.325 and section 214.410 for any deficiency existing prior to such city's ownership; except that, such exemption shall not relieve any previous cemetery owners or wrongdoers from the provisions of such sections.

214.516. Any cemetery owner subsequent to a city [not within a county], regardless of whether such cemetery was previously registered as an endowed care cemetery, held itself out to be an endowed care cemetery or was a nonendowed care cemetery, shall comply with section 214.310 and register such cemetery as an endowed care cemetery as if it were a newly created cemetery with no interments at the time of such registration. Any contracts for the right of burial sold after compliance with section 214.310 and all subsequent action of a subsequent cemetery owner shall comply fully with the provisions of sections 214.270 to 214.410.

214.550. 1. For purposes of this section, the following terms mean:

(1) "Cremains", the [ashes that remain after cremation of a human corpse] **remains of a human corpse after cremation;**

(2) "Operator", a church that owns and maintains a religious cemetery;

(3) "Religious cemetery", a cemetery owned, operated, controlled, or managed by any church that has or would qualify for federal tax-exempt status as a nonprofit religious organization pursuant to section 501(c) of the Internal Revenue Code as amended;

(4) "Scatter garden", a location for the spreading of cremains set aside within a cemetery.

2. It shall be lawful for any operator of a religious cemetery adjacent to a church building or other building regularly used as a place of worship to establish a scatter garden for the purpose of scattering human cremains.

3. The operator of any religious cemetery containing a scatter garden shall maintain, protect, and supervise the scatter garden, and shall be responsible for all costs incurred for such maintenance, protection, and supervision. Such operator shall also maintain a record of all cremains scattered in the scatter garden that shall include the name, date of death, and Social Security number of each person whose cremains are scattered, and the date the cremains were scattered.

4. A scatter garden established pursuant to this section shall be maintained by the operator of the religious cemetery for as long as such operator is in existence. Upon dissolution of such operator, all records of cremains shall be transferred to the clerk of the city, town, or village in which the scatter garden is located, or if the scatter garden is located in any unincorporated area, to the county recorder."; and

Further amend said bill, Page 59, Section 1, Line 9, by inserting after all of said line the following:

"[214.290. Any cemetery operator who within ninety days from the effective date of sections 214.270 to 214.410 elects to operate a cemetery which exists on the effective date of sections 214.270 to 214.410 as an endowed care cemetery or who represents to the public that perpetual, permanent, endowed, continual, eternal care, care of duration or similar care will be furnished cemetery property sold, shall before selling or disposing of any interment space or lots in said cemetery after the date of such election, establish a minimum endowed care and maintenance fund in cash in the amount required by section 214.300 unless an endowed care fund is already in existence to which regular deposits have been made (whether or not the fund then existing shall be in the minimum amount required under section 214.300).]"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 3, Section A, Line 28, by inserting after all of said line the following:

"190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;

- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and

- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;

- (2) Equipment requirements;

- (3) Staffing requirements;

- (4) Five-year license renewal;

- (5) Records and forms;

- (6) Medical control plans;

- (7) Medical director qualifications;

- (8) Standards for medical communications;

- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;

- (10) Quality improvement committees; and

- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**8. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting. **The rules shall prescribe the amount of fees to be required for certification and recertification under this section. All certification fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies, fire departments, and fire protection districts may provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.

**7. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (3) Initial licensure testing requirements;
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

- (1) Consistent with the training, education and experience of the particular emergency medical technician; and
  - (2) Ordered by a physician or set forth in protocols approved by the medical director.
5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.
6. **The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**
7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend said bill, Page 3, Section 194.350, Line 30, by inserting after all of said the following:

- "210.221. 1. The department of health and senior services shall have the following powers and duties:
- (1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;
  - (2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;
  - (3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and
  - (4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.
2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.
3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.
4. **The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**
5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 40, Section 334.613, Line 279, by inserting immediately after said line the following:

"334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working within the same facility as the supervising physician sixty-six percent of the time a physician assistant provides patient care, except a physician assistant may make follow-up patient examinations in hospitals, nursing homes, patient homes, and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician, except as provided by subsection 2 of this section. For the purposes of this section, the percentage of time a physician assistant provides patient care with the supervising physician on-site shall be measured each calendar quarter. The supervising physician must be readily available in person or via telecommunication during the time the physician assistant is providing patient care. The board shall promulgate rules pursuant to chapter 536, RSMo, for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant. The physician assistant shall be limited to practice at locations where the supervising physician is no further than thirty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services. Any other provisions of this chapter notwithstanding, for up to ninety days following the effective date of rules promulgated by the board to establish the waiver process under subsection 2 of this section, any physician assistant practicing in a health professional shortage area as of April 1, 2007, shall be allowed to practice under the on-site requirements stipulated by the supervising physician on the supervising physician form that was in effect on April 1, 2007.

2. The board shall promulgate rules under chapter 536, RSMo, to direct the advisory commission on physician assistants to establish a formal waiver mechanism by which an individual physician-physician assistant team may apply for alternate minimum amounts of on-site supervision and maximum distance from the supervising physician. After review of an application for a waiver, the advisory commission on physician assistants shall present its recommendation to the board for its advice and consent on the approval or denial of the application. The rule shall establish a process by which the public is invited to comment on the application for a waiver, and shall specify that a waiver may only be granted if a supervising physician and physician assistant demonstrate to the board's satisfaction in accordance with its uniformly applied criteria that:

- (1) Adequate supervision will be provided by the physician for the physician assistant, given the physician assistant's training and experience and the acuity of patient conditions normally treated in the clinical setting;
- (2) The physician assistant shall be limited to practice at locations where the supervising physician is no further than fifty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services;



(3) The community or communities served by the supervising physician and physician assistant would experience reduced access to health care services in the absence of a waiver;

(4) The applicant will practice in an area designated at the time of application as a health professional shortage area;

(5) Nothing in this section shall be construed to require a physician-physician assistant team to increase their on-site requirement allowed in their initial waiver in order to qualify for renewal of such waiver;

(6) If a waiver has been granted by the board of healing arts **on or after August 28, 2009**, to a **physician-physician assistant team** working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no additional waiver shall be required **for the physician-physician assistant team**, so long as the rural health clinic maintains its status as a rural health clinic under such federal act, and such [physician assistant and supervising physician] **physician-physician assistant team** comply with federal supervision requirements. **No supervision requirements in addition to the minimum federal law shall be required for the physician-physician assistant team in a rural health clinic if a waiver has been granted by the board. However, the board shall be able to void a current waiver after conducting a hearing and upon a finding of fact that the physician-physician assistant team has failed to comply with such federal act or either member of the team has violated a provision of this chapter;**

(7) A physician assistant shall only be required to seek a renewal of a waiver every five years or when his or her supervising physician is a different physician than the physician shown on the waiver application or they move their primary practice location more than ten miles from the location shown on the waiver application.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform;

(10) Physician assistants shall not perform abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy [independent of consultation with the supervising physician] **unless pursuant to a physician supervision agreement in accordance with the law**, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant or advanced practice nurse as defined in section 335.016, RSMo, may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician

supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536, RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 3, Section A, Line 28, by inserting immediately after said line the following:

**"23.156. 1. Every employee of the oversight division of the joint committee on legislative research shall, before entering upon his or her duties, take and file in the offices of the secretary of the senate and the chief clerk of the house of representatives an oath:**

- (1) To support the constitution of the state, to faithfully demean himself or herself in office;**
- (2) To not disclose to any unauthorized person any information furnished by any state department, state agency, political subdivision, or instrumentality of the state; and**
- (3) To not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his or her duty other than the remuneration fixed and accorded to the employee by law.**

**2. For any violation of his or her oath of office or of any duty imposed upon him or her by this section, any employee shall be guilty of a class A misdemeanor.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] on behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

(1) For a period of three years from the date services were provided or rendered; however, an entity:

(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;

(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;

(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and

(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and

(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient]

**participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be

filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled;

or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 12*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 & House Bill No. 1990, Page 57, Section 338.337, Line 20, by inserting immediately after said line the following:

“344.010. As used in this chapter the following words or phrases mean:

- (1) “Board”, the Missouri board of nursing home administrators;
- (2) “Long-term care facility”, any residential care facility, assisted living facility, intermediate care facility or skilled nursing facility, as defined in section 198.006, RSMo, or similar facility licensed by states other than Missouri;
- (3) “Nursing home”, any institution or facility defined as an assisted living facility, **residential care facility**, intermediate care facility, or skilled nursing facility for licensing purposes by section 198.006, RSMo, whether proprietary or nonprofit;
- (4) “Nursing home administrator”, a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether such individual has an ownership interest in the home, and whether his functions and duties are shared with one or more individuals.

344.020. No person shall act or serve in the capacity of a nursing home administrator without first procuring a license from the Missouri board of nursing home administrators as provided in sections 344.010 to 344.108. The board may issue a separate license to administrators of **residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continue to meet the licensure standards for a residential care facility II in effect on August 27, 2006, and** assisted living facilities, as defined in section 198.006, RSMo. Any individual who receives a license to operate **a residential care facility or** an assisted living facility is not thereby authorized to operate any intermediate care facility or skilled nursing facility as those terms are defined in section 198.006, RSMo.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 14*

AMEND Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 22, Section 324.1147, Line 3, by inserting after said line the following:

“327.031. 1. The “Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects” is hereby established and shall consist of [fourteen] **fifteen** members: a chairperson, who may be either an architect, a professional engineer [or], a professional land surveyor, **or a landscape architect**; three architects, who shall constitute the architectural division of the board; [three] **four** professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three landscape architects, who shall constitute its landscape [architecture] **architectural** division; and a voting public member.

2. After receiving his or her commission and before entering upon the discharge of his or her official duties, each member of the board shall take, subscribe to and file in the office of the secretary of state the official oath required by the constitution.

3. The chairperson shall be the administrative and executive officer of the board, and it shall be his or her duty to supervise and expedite the work of the board and its divisions, and, at his or her election, when a tie exists between the divisions of the board, to break the tie by recording his or her vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote when voting on an action pending before the board; each member of the professional engineering division shall have one vote when voting on an action pending before the board; [the chairperson of the landscape architecture division or the chairperson's designee] **each member of the professional land surveying division shall have one vote when voting on an action pending before the board; and each member of the landscape architectural division** shall have one vote when voting on an action pending before the board; and each member of the professional land surveying division shall have one vote when voting on an action pending before the board]. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this section. [Seven] **Eight** voting members of the board [and two members] **including at least one member** of each division shall constitute a quorum, respectively, for the transaction of **board** business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division chairperson for a term of two years. **Two voting members of each division of the board shall constitute**

**a quorum for the transaction of division business.** The chairpersons of the architectural division, professional engineering division [and the], professional land surveying division, **and landscape architectural division** so elected shall be vice chairpersons of the board, and when the chairperson of the board is an architect, the chairperson of the architectural division shall be the ranking vice chairperson, and when the chairperson of the board is a professional engineer, the chairperson of the professional engineering division shall be the ranking vice chairperson, [and] when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson, **and when the chairperson of the board is a landscape architect, the chairperson of the landscape architectural division shall be the ranking vice chairperson.** The chairperson of each division shall be the administrative and executive officer of his or her division, and it shall be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless the chairperson shall elect to break such tie by his or her vote.

5. Any person appointed to the board, except a public member, shall be a currently licensed architect, licensed professional engineer, licensed professional land surveyor or registered or licensed landscape architect in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as an architect, professional engineer, professional land surveyor or landscape architect, as the case may be, for at least ten consecutive years immediately preceding such person's appointment and who is and has been a citizen of the United States for at least five years immediately preceding such person's appointment. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of engineering, for the purposes of this chapter. Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded [an] **as active practice of land surveying for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of landscape architecture shall be regarded as active practice of landscape architecture, for the purposes of this chapter.** Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless such person has had at least three years' experience in the active practice of architecture other than in teaching. The public member shall be, at the time of appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

6. The governor shall appoint the chairperson and the other members of the board when a vacancy occurs either by the expiration of a term or otherwise, and each board member shall serve until such member's successor is appointed and has qualified. **Beginning August 28, 2010,** the position of chairperson shall [alternate among an architect, a professional engineer and a professional land surveyor] **rotate sequentially with an architect, then professional engineer, then professional land surveyor, then landscape architect, and shall be a licensee who has previously served as a member of the board. The appointment of the chairperson shall be for a term of four years which shall be deemed to have begun on the date of his or her appointment and shall end upon the appointment of the chairperson's successor. The chairperson shall not serve more than one term.** All other appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, [the president of the American Institute of Architects/Missouri if the vacancy to be filled requires the appointment of an architect,] the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a landscape architect, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of an engineer, [and] the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the



appointment of a land surveyor, **and the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a landscape architect**, shall submit to the director of the division of professional registration a list of five architects or five professional engineers, [five landscape architects] or five professional land surveyors, **or five landscape architects** as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

8. The board may sue and be sued as the Missouri board for architects, professional engineers, professional land surveyors and landscape architects, and its members need not be named as parties. Members of the board shall not be personally liable either jointly or severally for any act or acts committed in the performance of their official duties as board members, nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

9. Upon appointment by the governor and confirmation by the senate of the landscape [architecture] **architectural** division, the landscape architectural council is hereby abolished and all of its powers, duties and responsibilities are transferred to and imposed upon the Missouri board for architects, professional engineers, professional land surveyors and landscape architects established pursuant to this section. Every act performed by or under the authority of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects shall be deemed to have the same force and effect as if performed by the landscape architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the landscape architectural council shall continue in effect and shall be deemed to be duly adopted rules and regulations of the Missouri board [of] **for architects, professional engineers, professional [landscape architects and land surveyors] land surveyors and landscape architects** until such rules and regulations are revised, amended or repealed by the board as provided by law, such action to be taken by the board on or before January 1, 2002.

10. Upon appointment by the governor and confirmation by the senate of the landscape [architecture] **architectural** division, all moneys deposited in the landscape architectural council fund created in section 327.625 shall be transferred to the state board for architects, professional engineers, professional land surveyors and landscape architects fund created in section 327.081. The landscape architectural council fund shall be abolished upon the transfer of all moneys in it to the state board [of] **for architects, professional engineers, professional land surveyors and landscape architects**.

327.041. 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with [the advice of the attorney general and upon] the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration or certificates of authority provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources pursuant to chapter 60, RSMo.

327.351. 1. The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed within three months of the renewal date shall be

suspended automatically, subject to the right of the holder of such suspended license or certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within the discretion of the board and upon payment of the required fee, be reregistered or relicensed under such person's or corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional land surveyor over the age of seventy-five.

3. Beginning January 1, 1996, as a condition for renewal of a license issued pursuant to section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the license of any license holder who has failed to complete the professional development requirements pursuant to subsection 3 of this section, unless such license holder can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the license holder to make up all outstanding required units of professional development.

5. A license holder may at any time prior to the termination of his or her license request to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee determined by the board. Holders of inactive licenses shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive licenses shall not practice as professional land surveyors **within this state, but may continue to use the title "professional land surveyor" or the initials "PLS" after such person's name.** If the board determines that good cause was shown, the board shall permit the professional land surveyor to make up all outstanding required units of professional development.

6. A holder of an inactive license may return such license to an active license to practice professional land surveying by paying the required fee, and either:

(1) Completing one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The maximum requirement for professional development units shall be two and one-half times the two-year requirement. The minimum requirement for professional development units shall be no less than the two-year requirement. Such requirement shall be satisfied within the two years prior to the date of reinstatement; or

(2) Taking such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

7. Exemption to the required professional development units shall be granted to registrants during periods of serving honorably on full-time active duty in the military service.

8. At the time of application for license renewal, each licensee shall report, on a form provided by the board, the professional development activities undertaken during the preceding renewal period to satisfy the requirements pursuant to subsection 3 of this section. The licensee shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

327.411. 1. Each architect and each professional engineer and each professional land surveyor and each landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments prepared by the licensee, or under such licensee's immediate personal supervision. **Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.**

2. The personal seal of an architect or professional engineer or professional land surveyor or landscape architect shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, surveying, or landscape architectural documents, as the case may be, when the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or to be used in connection with, any architectural or engineering project, survey, or landscape architectural project. **Licensees shall undertake to perform architectural, professional engineering,**

**professional land surveying and landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.**

3. **Notwithstanding any provision of this section**, any architect, professional engineer, professional land surveyor, or landscape architect may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys or other documents or instruments, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey or landscape architectural project.

4. Nothing in this section, or any rule or regulation of the board shall require any professional to seal preliminary or incomplete documents.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 2357**, entitled:

An act to repeal sections 56.809, 70.605, 104.190, 104.480, 169.020, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof twenty new sections relating to public retirement plans.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 2357, Page 13, Section 70.605, Line 11 of said page, by inserting after all of said line the following:

“86.252. 1. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member's required beginning date. The general required beginning date of a member's benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

2. All distributions required pursuant to this section prior to January 1, 2003, shall be determined and made in accordance with the income tax regulations under Section 401(a)(9) of the Internal Revenue Code in effect prior to January 1, 2003, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

- (1) The life of the member;
- (2) The life of the member and a designated beneficiary;
- (3) A period certain not extending beyond the life expectancy of the member; or
- (4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

3. (1) This subsection shall apply for purposes of determining required minimum distributions for calendar years beginning on and after January 1, 2003, and shall take precedence over any inconsistent provisions of section 86.200 to 86.366. All distributions required under this subsection shall be determined and made in accordance with the United States Treasury regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(2) (a) The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date.

(b) If the member dies before distributions begin, the member's entire interest shall be distributed or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died, or by December thirty-first of the calendar year in which the member would have attained age seventy and one-half years, if later;

b. If the member's surviving spouse is not the member's sole designated beneficiary, distributions to the designated beneficiary shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died;

c. If there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, the member's entire interest shall be distributed by December thirty-first of the calendar year containing the fifth anniversary of the member's death;

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distribution to the surviving spouse begins, this paragraph, except for subparagraph a. of this paragraph, shall apply as if the surviving spouse were the member. For purposes of this paragraph and subdivision (5) of this subsection, distributions shall be considered to begin on the member's required beginning date, or if subparagraph d. of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date of distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph, the date of distributions shall be considered to begin the date distributions actually commence.

(c) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions shall be made in accordance with subdivisions (3), (4), and (5) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and the United States Treasury regulations.

(3) (a) If the member's interest is paid in the form of annuity distributions under sections 86.200 to 86.366, payments under the annuity shall satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;

b. The distribution period shall be over a life or lives, or over a period certain not longer than the period described in subdivision (4) or (5) of this subsection;

c. Once payments have begun over a period certain, the period certain shall not be changed even if the period certain is shorter than the maximum permitted;

d. Payments shall either be nonincreasing or increase only as [follows:

(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the federal Bureau of Labor Statistics;

(ii) To the extent of the reduction in the amount of the member's payments to provide for a surviving benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subdivision (4) of this subsection dies or is no longer the member's beneficiary under a qualified domestic relations order with the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended;

(iii) To provide cash refunds of employee contributions upon the member's death; or

(iv) To pay increased benefits that result from a revision of sections 86.200 to 86.366] **permitted under Q&A of Section 1.401(a)(9)-6 of the United States Treasury regulations.**

(b) The amount distributed on or before the member's required beginning date, or if the member dies before distribution begins, the date distributions are required to begin under subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if the payment interval ends in the next calendar year. "Payment intervals" means the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(c) Any additional benefits accruing to the member in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(4) (a) If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death shall not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the United States Treasury regulations.

(b) The period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9

of the United States Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age seventy, the applicable distribution period for the member shall be the distribution period for age seventy under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations plus the excess of seventy over the age of the member as of the member's birthday in the year that contained the annuity starting date.

(5) (a) If the member dies before the date distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest shall be distributed, beginning no later than the time described in subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) If the member dies before the date distributions begin and there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, distribution of the member's entire interest shall be completed by December thirty-first of the calendar year containing the fifth anniversary of the member's death.

(c) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subdivision shall apply as if the surviving spouse were the member; except that, the time by which distributions shall begin shall be determined without regard to subparagraph a. of paragraph (b) of subdivision (2) of this subsection.

(6) As used in this subsection, the following terms mean:

(a) "Designated beneficiary", the surviving spouse or the individual who is designated as the beneficiary under subdivision (4) of section 86.200 or any individual who is entitled to receive death benefits under section 86.283 or 86.287 and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and Section 1.401(a)(9)-1, Q&A-4 of the United States Treasury regulations;

(b) "Distribution calendar year", a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin under paragraph (b) of subdivision (2) of this subsection;

(c) "Life expectancy", life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the United States Treasury regulations;

(d) "Required beginning date", April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

(7) Notwithstanding any provision in this subsection to the contrary:

(a) A distribution for calendar years 2003, 2004, and 2005 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the payments do not satisfy Section 1.401(a)(9)-1, Q&A-1 to Q&A-16 of the United States Treasury regulations, provided the payments satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and

(b) [In the case of an annuity distribution option provided under the terms of sections 86.200 to 86.366 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the annuity payments do not satisfy the requirements of Section 1.401(a)(9)-1, Q&A-1 to Q&A-15 of the United States Treasury regulations, provided the distribution option satisfies Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, based on a reasonable and good faith interpretation of the provisions of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.] **Pursuant to Section 1.401(a)(9)-1, Q&A-2 of the United States Treasury regulations, the plan shall be treated as having complied with Section 401(a)(9) of the Internal Revenue Code for all years to which Section 401(a)(9) of the Internal Revenue Code applies to the plan if the plan complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code.**

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner

prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) "Direct rollover", a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) "Distributee", a member, a surviving spouse or a spouse **or, effective for distributions made on or after January 1, 2010, a nonspouse beneficiary;**

(3) "Eligible retirement plan", an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, [2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code] **2008, a Roth IRA as described in Section 408 of the Internal Revenue Code, provided that for distributions made on or after January 1, 2010 to a non-spouse beneficiary, an eligible retirement plan shall include only an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a Roth IRA described in Section 408A of the Internal Revenue Code that is an inherited individual retirement account or annuity under Section 408 of the Internal Revenue Code;**

(4) "Eligible rollover distribution", any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) Effective for distributions made on or after January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, **for distributions made before January 1, 2007, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; for distributions made on or after January 1, 2007, such portion may also be transferred to an annuity contract described in Section 403(b) of the Internal Revenue Code or to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; and for distributions made on or after January 1, 2008, such portion may also be transferred to a Roth IRA described in Section 408A of the Internal Revenue Code.**

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

5. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, in no event shall the trustees pay an eligible rollover distribution in the amount of five thousand dollars or less to a member or retired member who has not attained age sixty-two unless such member or retired member consents in writing either to receive such distribution in cash or to have such distribution directly rolled over in accordance with the provisions of this section.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. Effective for limitation years beginning after December 31, 2001, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the [lesser of:

(1) One hundred percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, for the limitation year; or

(2) Forty thousand dollars, as adjusted for increases in the cost of living under Section 415(d) of the Internal Revenue Code.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations.

**4.] amount specified in Section 415(c) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living pursuant to Section 415(d) of the Internal Revenue Code, as in effect on the last day of the plan year.**

**3.** For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants employed by a police or fire department, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2[, 3,] and [4] **3** of this section, effective January 1, 2002, the plan shall accept a member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, **and that would otherwise be includable in gross income.** The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income. **The plan will accept a member's direct rollover of an eligible rollover distribution made on or after October 1, 2010, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code or an annuity contract described in 403(b) of the Internal Revenue Code that includes after-tax employee contributions, other than Roth contributions described in Section 402A of the Internal Revenue Code, that are not includable in gross income and shall separately account for such after-tax amounts.**

2. **Except to the extent specifically permitted under procedures established by the board of trustees,** the amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of **an** eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

[4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.]

**86.295.** Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, if a member dies on or after January 1, 2007, while performing qualified military service, as defined in Section 414(u)(5) of the Internal Revenue Code, the member's surviving spouse or other dependents shall be entitled to any benefits, other than benefit increases relating to the period of qualified military service, and the rights and features associated with those benefits which would have been provided under sections 86.280 and 86.290 if the member had returned to service as a police officer and died while in active service.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 795, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1442**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1442, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1442, as amended;
2. That the House recede from its position on House Bill No. 1442;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1442, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tim Jones  
/s/ Shane Schoeller  
/s/ David Day  
/s/ Trent Skaggs  
/s/ Jeff Roorda

FOR THE SENATE:

/s/ Gary Nodler  
/s/ Jason Crowell  
/s/ John Griesheimer  
/s/ Timothy Green  
/s/ Victor Callahan

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 4:00 p.m., Monday, May 10, 2010.



**COMMITTEE MEETINGS**

**FISCAL REVIEW**

Tuesday, May 11, 2010, 8:30 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow. CORRECTED

**FISCAL REVIEW**

Wednesday, May 12, 2010, 8:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow. CORRECTED

**FISCAL REVIEW**

Thursday, May 13, 2010, 8:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow. CORRECTED

**HIGHER EDUCATION**

Tuesday, May 11, 2010, 8:00 a.m. Hearing Room 6.  
Executive session may follow.

**RETIREMENT**

Tuesday, May 11, 2010, 12:00 p.m. Hearing Room 4.  
Session debriefing.  
Executive session may follow.

**RULES - PURSUANT TO RULE 25(32)(f)**

Tuesday, May 11, 2010, Hearing Room 6 upon morning recess.  
Any bills referred to committee.  
Possible Executive session.

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Monday, May 10, 2010, 2:30 p.m. Hearing Room 1.  
Executive session may be held.  
Public hearing to be held on: SS SCS SB 884, SCR 34

**SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Tuesday, May 11, 2010, 8:00 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SB 1026

**HOUSE CALENDAR**

SIXTY-SEVENTH DAY, MONDAY, MAY 10, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis
- 23 HB 2255 - Jones (89)

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 67, (4-29-10, Pages 1179-1182) - Sutherland
- 2 HCR 79, (4-27-10, Pages 1097-1098) - Webb

**SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617, Part I, Part II, Part III, Part IV, pending - Emery
- 2 HCS SCS SB 777 - Jones (89)
- 3 HCS SB 791, E.C. - Emery
- 4 HCS SB 686, E.C. - Sutherland
- 5 HCS#2 SCS SB 778, E.C. - McGhee
- 6 HCS SCS SB 808, E.C. - Sutherland
- 7 HCS#2 SB 848 - Loehner
- 8 HCS SS SCS SB 920 - Stevenson
- 9 HCS SB 981, E.C. - Sutherland
- 10 HCS SB 741, (Fiscal Review 5-6-10) - Dugger
- 11 HCS SCS SB 583, (Fiscal Review 5-6-10), E.C. - Hobbs
- 12 HCS SB 940 - Hoskins (121)

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 HCS HB 1977, SA1, SA2 - Wasson
- 10 SS SCS HB 2317, as amended, E.C. - Tracy
- 11 SCS HB 1392 - Kirkton
- 12 SCS HB 1892 - Nasheed
- 13 SS HCS HB 1848 - Holsman
- 14 SCS HCS HB 1903, E.C. - Icet
- 15 SS#2 HB 1268, as amended, E.C. - Meiners
- 16 SS HB 1713, (Fiscal Review 5-5-10) - Sander
- 17 SCS HCS HB 1831 - Jones (117)
- 18 SS SCS HCS HB 1764 - Diehl
- 19 HCS#2 HB 1472, SA 1, E.C. - Franz
- 20 HCS HBs 2262 & 2264, SA 1, E.C. - Day
- 21 SCS HCS HB 1516 - Smith (150)

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- 22 SCS HCS HB 1858 - Zimmerman
- 23 HCR 38, SCA 1 - Icet
- 24 SS HCS HBs 1408 & 1514, E.C. - Smith (150)
- 25 SCS HB 1868, as amended, E.C. - Scharnhorst
- 26 HB 1894, SA 1, SA 2 - Bringer
- 27 SCS HCS HB 1965, as amended - McNary
- 28 SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended - Wasson
- 29 SS HCS HB 2357, as amended - Smith (150)
- 30 SCS HCS HB 1311 & 1341 - Scharnhorst

**BILLS CARRYING REQUEST MESSAGES**

- 1 HCS SB 987, as amended, (request House recede/grant conference), E.C. - Hobbs
- 2 HCS SB 795, as amended, (request House recede/grant conference), E.C. - Loehner

**BILLS IN CONFERENCE**

- 1 CCR SS SCS HB 1442, as amended, E.C. - Jones (89)
- 2 SCS HCS HB 2297, as amended - Molendorp
- 3 HCS SCS SB 754, as amended - Wasson
- 4 HCS SS SCS SB 605, as amended, E.C. - Stevenson
- 5 HCS SCS SB 733, as amended, E.C. - Kingery

**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen
- 4 SCR 51, (3-31-10, Pages 815-817) - Munzlinger
- 5 SCR 56, (4-27-10, Pages 1111-1112) - Bivins

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-SEVENTH DAY, MONDAY, MAY 10, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

The heavens proclaim Your glory, Lord God. The skies display Your craftsmanship. Be exalted in Your strength and we will speak of Your power.

Your laws are perfect, Lord God. They protect us, make us wise, and give us joy and light. Your laws are pure, eternal, just, and clear, giving insight for living. Reverence for You is pure, lasting forever. Your laws are true; each one is fair.

Lord God, as we draw to the end of another Session, we are mindful of the grace, mercy and wisdom You so liberally showered upon us. We boast not in our own ingenuity, intellect or wisdom. But we boast in the name of the Lord our God Who sustained, guided and protected us through this Session. We also give thanks for Your watchful eye and loving hand upon our families during the period of time we were absent from them.

We commit the remaining days of this Session to You that Your plans and purposes may be established. As we continue in our work for this week, we count on You to direct our thoughts, words and actions. May our thinking be clear and accurate. Show us what is good; not just what looks good.

Now, may the words of our mouth and the meditation of our heart be pleasing to You, O LORD, our Rock and our Redeemer.

I ask these things, in the name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jenna Darr, Alex Forrest, Maggie Parker and Sam Avery.

The Journal of the sixty-sixth day was approved as printed by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dugger	Emery	Ervin
Faith	Fisher 125	Flanigan	Funderburk	Gatschenberger
Grisamore	Guest	Hobbs	Hoskins 121	Icet
Jones 117	Keeney	Kelly	Kingery	Koenig
Komo	Kraus	Lair	Lampe	Largent
Leara	Liese	Lipke	Loehner	McGhee

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McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Parkinson	Parson	Pratt
Riddle	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 055

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Colona	Conway
Curls	Englund	Fallert	Fischer 107	Grill
Harris	Hodges	Hummel	Kander	Kirkton
Kratky	Kuessner	LeBlanc	LeVota	Low
McClanahan	McDonald	Meadows	Newman	Norr
Oxford	Pace	Quinn	Roorda	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 024

Brandom	Calloway	Carter	Corcoran	Dixon
Dougherty	Dusenberg	Flook	Frame	Franz
Guernsey	Holsman	Hoskins 80	Hughes	Jones 63
Jones 89	McNeil	Morris	Nolte	Pollock
Rucker	Ruestman	Scharnhorst	Viebrock	

VACANCIES: 001

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 3185 through House Resolution No. 3248

### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HBs 1311 & 1341**, relating to autism spectrum disorder coverage, was taken up by Representative Scharnhorst.

Representative Scharnhorst moved that the House refuse to adopt **SCS HCS HBs 1311 & 1341** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 008

Calloway	Carter	Dusenberg	Hughes	Salva
Silvey	Spreng	Viebrock		

VACANCIES: 001

Representative Scharnhorst again moved that the House refuse to adopt **SCS HCS HBs 1311 & 1341** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1965, as amended**, relating to the repeal of expired statutes, was taken up by Representative McNary.

Representative McNary moved that the House refuse to adopt **SCS HCS HB 1965, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended**, relating to marital and family therapists, was taken up by Representative Wasson.

Representative Wasson moved that the House refuse to adopt **SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**HB 1691, with Senate Amendment No. 1 and Senate Amendment No. 2**, relating to bicycling designations, was taken up by Representative Kraus.

Representative Kraus moved that the House refuse to concur in **Senate Amendment No. 1 and Senate Amendment No. 2 to HB 1691** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS#2 HB 1268, as amended**, relating to adenoid cystic carcinoma awareness, was taken up by Representative Meiners.

Representative Meiners moved that the House refuse to adopt **SS#2 HB 1268, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HB 1677**, relating to "Dress in Blue for Colon Cancer Awareness Day", was taken up by Representative Hoskins (80).

Representative Hoskins (80) moved that the House refuse to adopt **SCS HB 1677** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.



## SENATE CONCURRENT RESOLUTIONS

**SCR 33**, relating to community depository institutions, was taken up by Representative Cunningham.

On motion of Representative Cunningham, **SCR 33** was adopted by the following vote:

AYES: 154

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Denison	Hughes	Morris	Spreng
Stevenson	Vogt	Webber		

VACANCIES: 001

**HCS SCR 54**, relating to the creation of a Joint Interim Committee on Reducing the Size of State Government, was taken up by Representative Allen.

Representative Flanigan offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Concurrent Resolution No. 54, Second Be It Further Resolved, Page 2, Lines 31 to 36, by deleting all of said lines and inserting in lieu thereof the following:

“BE IT FURTHER RESOLVED that the Committee shall be composed of fourteen members, four majority party members, and three minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and four majority party members, and three minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, the Commissioner of Administration, or his or her designee, and the State Budget Director, or his or her designee, shall serve as ex officio members of the Committee; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Committee Substitute for Senate Concurrent Resolution No. 54, Second Be It Further Resolved, Page 2, Lines 31 to 36, by deleting all of said lines and inserting in lieu thereof the following:

“BE IT FURTHER RESOLVED that the Committee shall be composed of fourteen members, four majority party members to be appointed by the President Pro Tem of the Senate, and three minority party members of the Senate to be appointed by the Minority Leader of the Senate, and four majority party members to be appointed by the Speaker of the House of Representatives, and three minority party members of the House of Representatives, to be appointed by the Minority Leader of the House of Representatives, the Commissioner of Administration, or his or her designee, and the State Budget Director, or his or her designee, shall serve as ex officio members of the Committee; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Jones (89) assumed the Chair.

On motion of Representative Kelly, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

On motion of Representative Allen, **HCS SCR 54, as amended**, was adopted by the following vote:

AYES: 107

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Burlison	Calloway	Conway
Cooper	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Koenig	Komo	Kratky

Kraus	Lair	Largent	Leara	Liese
Lipke	Loehner	McGhee	McNary	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 048

Atkins	Aull	Bringer	Brown 50	Burnett
Casey	Chappelle-Nadal	Colona	Curls	Dougherty
Englund	Fallert	Frame	Hodges	Hoskins 80
Hummel	Jones 63	Kander	Kirkton	Kuessner
Lampe	LeBlanc	LeVota	Low	McClanahan
McDonald	McNeil	Meadows	Morris	Newman
Oxford	Pace	Quinn	Roorda	Schoemehl
Schupp	Shively	Skaggs	Still	Swinger
Talboy	Todd	Walton Gray	Webb	Webber
Whitehead	Witte	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 007

Bruns	Carter	Holsman	Hughes	Norr
Spreng	Vogt			

VACANCIES: 001

## **HOUSE BILL WITH SENATE AMENDMENT**

**SS HCS HBs 1408 & 1514**, relating to interest on income tax overpayments, was taken up by Representative Smith (150).

Representative Smith (150) moved that the House refuse to adopt **SS HCS HBs 1408 & 1514** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### **BILL CARRYING REQUEST MESSAGE**

**HCS SB 795, as amended**, relating to animals and agriculture, was taken up by Representative Loehner.

Representative Loehner moved that the House refuse to recede from its position on **HCS SB 795, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **THIRD READING OF SENATE BILL**

**HCS SB 791**, relating to utilities, was taken up by Representative Emery.

Representative Emery offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 791, Section 250.233, Page 6, Line 11, by inserting after all of said section, page, and line the following:

“386.210. 1. The commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of the public, any public utility or similar commission of this and other states and the United States of America, or any official, agency or instrumentality thereof, on any matter relating to the performance of its duties.

2. Such communications may address any issue that at the time of such communication is not the subject of a case that has been filed with the commission.

3. Such communications may also address substantive or procedural matters that are the subject of a pending filing or case in which no evidentiary hearing has been scheduled, provided that the communication:

(1) Is made at a public agenda meeting of the commission where such matter has been posted in advance as an item for discussion or decision;

(2) Is made at a forum where representatives of the public utility affected thereby, the office of public counsel, and any other party to the case are present; or

(3) If made outside such agenda meeting or forum, is subsequently disclosed to the public utility, the office of the public counsel, and any other party to the case in accordance with the following procedure:

(a) If the communication is written, the person or party making the communication shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record;

(b) If the communication is oral, the party making the oral communication shall no later than the next business day following the communication file a memorandum in the official case file of the pending case disclosing the communication and serve such memorandum on all parties of record. The memorandum must contain a summary of the substance of the communication and not merely a listing of the subjects covered.

4. Nothing in this section or any other provision of law shall be construed as imposing any limitation on the free exchange of ideas, views, and information between any person and the commission or any commissioner, provided that such communications relate to matters of general regulatory policy and do not address the merits of the specific facts, evidence, claims, or positions presented or taken in a pending case unless such communications comply with the provisions of subsection 3 of this section.

5. The commission and any commissioner may also advise any member of the general assembly or other governmental official of the issues or factual allegations that are the subject of a pending case, provided that the commission or commissioner does not express an opinion as to the merits of such issues or allegations, and may discuss in a public agenda meeting with parties to a case in which an evidentiary hearing has been scheduled, any procedural matter in such case or any matter relating to a unanimous stipulation or agreement resolving all of the issues in such case.

6. The commission may enter into and establish fair and equitable cooperative agreements or contracts with or act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof, or any public utility or similar commission of other states, that are proper, expedient, fair and equitable and in the interest of the state of Missouri and the citizens thereof, for the purpose of carrying out its duties pursuant to section 386.250 as limited and supplemented by section 386.030 and to that end the commission may receive and disburse any contributions, grants or other financial assistance as a result of or pursuant to such agreements or contracts. Any contributions, grants or other financial assistance so received shall be deposited in the public service commission utility fund or the state highway commission fund depending upon the purposes for which they are received.

7. The commission may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad, public utility or similar commission, of other states or the United States of America, or any official, agency or any instrumentality thereof, except that in the holding of such investigations or hearings, or in the making of such orders, the commission shall function under agreements or contracts between states or under the concurrent power of states to regulate interstate commerce, or as an agent of the United States of America, or any official, agency or instrumentality thereof, or otherwise.

**8. The commission may appear in any proceeding at the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Federal Communications Commission, or any other federal administrative agency that has jurisdiction over a utility that is regulated by the commission or whose decisions may affect utility rates or service in Missouri. The commission may also file or otherwise participate in appeals from such federal administrative agencies. This subsection applies to all proceedings pending at the time of, or commenced after, the effective date of this section.”; and**

Further amend said bill, Section B, Page 17, by removing all of said section from the bill and inserting in lieu thereof the following:

“Section B. Because of the immediate need for public service commissioners to be able to appear at federal hearings and intervene in federal cases, the repeal and reenactment of section 386.210 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 386.210 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**Representative Parson offered House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 791, Section 250.233, Page 6, Line 11, by inserting after all of said section, page, and line the following:

“386.210. 1. The commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of the public, any public utility or similar commission of this and other states and the United States of America, or any official, agency or instrumentality thereof, on any matter relating to the performance of its duties.

2. Such communications may address any issue that at the time of such communication is not the subject of a case that has been filed with the commission.

3. Such communications may also address substantive or procedural matters that are the subject of a pending filing or case in which no evidentiary hearing has been scheduled, provided that the communication:

(1) Is made at a public agenda meeting of the commission where such matter has been posted in advance as an item for discussion or decision;

(2) Is made at a forum where representatives of the public utility affected thereby, the office of public counsel, and any other party to the case are present; or

(3) If made outside such agenda meeting or forum, is subsequently disclosed to the public utility, the office of the public counsel, and any other party to the case in accordance with the following procedure:

(a) If the communication is written, the person or party making the communication shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record;

(b) If the communication is oral, the party making the oral communication shall no later than the next business day following the communication file a memorandum in the official case file of the pending case disclosing the communication and serve such memorandum on all parties of record. The memorandum must contain a summary of the substance of the communication and not merely a listing of the subjects covered.

4. Nothing in this section or any other provision of law shall be construed as imposing any limitation on the free exchange of ideas, views, and information between any person and the commission or any commissioner, provided that such communications relate to matters of general regulatory policy and do not address the merits of the specific facts, evidence, claims, or positions presented or taken in a pending case unless such communications comply with the provisions of subsection 3 of this section.

5. The commission and any commissioner may also advise any member of the general assembly or other governmental official of the issues or factual allegations that are the subject of a pending case, provided that the commission or commissioner does not express an opinion as to the merits of such issues or allegations, and may discuss in a public agenda meeting with parties to a case in which an evidentiary hearing has been scheduled, any procedural matter in such case or any matter relating to a unanimous stipulation or agreement resolving all of the issues in such case.

6. The commission may enter into and establish fair and equitable cooperative agreements or contracts with or act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof, or any public utility or similar commission of other states, that are proper, expedient, fair and equitable and in the interest of the state of Missouri and the citizens thereof, for the purpose of carrying out its duties pursuant to section 386.250 as limited and supplemented by section 386.030 and to that end the commission may receive and disburse any contributions, grants or other financial assistance as a result of or pursuant to such agreements or contracts. Any contributions, grants or other financial assistance so received shall be deposited in the public service commission utility fund or the state highway commission fund depending upon the purposes for which they are received.

7. The commission may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad, public utility or similar commission, of other states or the United States of America, or any official, agency or any instrumentality thereof, except that in the holding of such investigations or hearings, or in the making of such orders, the commission shall function under agreements or contracts between states or under the concurrent power of states to regulate interstate commerce, or as an agent of the United States of America, or any official, agency or instrumentality thereof, or otherwise.

**8. The commission may appear in any proceeding at the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Federal Communications Commission, or any other federal administrative agency that has jurisdiction over a utility that is regulated by the commission or involves a regional transmission organization with members located in Missouri. The commission may also file or otherwise participate in appeals of such proceedings from such federal administrative agencies. This subsection applies to all proceedings pending at the time of, or commenced after, the effective date of this section.”; and**

Further amend said bill, Section B, Page 17, by removing all of said section from the bill and inserting in lieu thereof the following:

“Section B. Because of the immediate need for public service commissioners to be able to appear at federal hearings and intervene in federal cases, the repeal and reenactment of section 386.210 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 386.210 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Pratt resumed the Chair.

Representative Jones (89) resumed the Chair.

**HCS SB 791, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 1, pending, was laid over.**

## COMMITTEE REPORTS

### **Committee on Elementary and Secondary Education**, Chairman Wallace reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SS SCS SB 734**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SS SB 943**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Financial Institutions**, Chairman Cunningham reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SB 753**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SB 834**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Judiciary**, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 684**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Local Government**, Chairman Brown (30) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 700**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **Committee on Public Safety**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **SB 819**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Tax Reform**, Chairman Smith (14) reporting:

Mr. Speaker: Your Committee on Tax Reform, to which was referred **SB 816**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tax Reform, to which was referred **SB 945**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SS SCS SB 884**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the differences on **SS SCS SB 605 with HCS, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SBs 842, 799 & 809, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Speaker Pro Tem Pratt resumed the Chair.

The following member's presence was noted: Hughes.

### ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, May 11, 2010.

### COMMITTEE MEETINGS

#### FISCAL REVIEW

Tuesday, May 11, 2010, 8:30 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CORRECTED

#### FISCAL REVIEW

Wednesday, May 12, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CORRECTED



FISCAL REVIEW

Thursday, May 13, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CORRECTED

HIGHER EDUCATION

Tuesday, May 11, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

RETIREMENT

Tuesday, May 11, 2010, 12:00 p.m. Hearing Room 4.

Session debriefing.

Executive session may follow.

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, May 11, 2010, Hearing Room 6 upon morning recess.

Any bills referred to committee.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, May 12, 2010, Hearing Room 7 upon morning recess.

Any bills referred to committee.

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Thursday, May 13, 2010, 8:00 a.m. Hearing Room 7.

Any bills referred to committee.

Possible Executive session.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, May 11, 2010, Hearing Room 1 upon evening adjournment.

Executive session will be held on: SB 824

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Tuesday, May 11, 2010, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: SB 1026

**HOUSE CALENDAR**

SIXTY-EIGHTH DAY, TUESDAY, MAY 11, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis
- 23 HB 2255 - Jones (89)

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 67, (4-29-10, Pages 1179-1182) - Sutherland
- 2 HCR 79, (4-27-10, Pages 1097-1098) - Webb

**SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617, Part I, Part II, Part III, Part IV, pending - Emery
- 2 HCS SCS SB 777 - Jones (89)
- 3 HCS SB 791, E.C. - Emery
- 4 HCS SB 686, E.C. - Sutherland
- 5 HCS#2 SCS SB 778, E.C. - McGhee
- 6 HCS SCS SB 808, E.C. - Sutherland
- 7 HCS#2 SB 848 - Loehner
- 8 HCS SS SCS SB 920 - Stevenson
- 9 HCS SB 981, E.C. - Sutherland
- 10 HCS SB 741, (Fiscal Review 5-6-10) - Dugger
- 11 HCS SCS SB 583, (Fiscal Review 5-6-10), E.C. - Hobbs
- 12 HCS SB 940 - Hoskins (121)

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HB 1336, SA 1 - Brandom
- 2 SCS HB 1941, as amended - Parson
- 3 HB 1942, SA 1 - Parson
- 4 HB 1643, SA1, SA2 - Brown (50)
- 5 SS HCS HB 1806, as amended, E.C. - Franz
- 6 SCS HB 1612 - Molendorp
- 7 HCS HB 1977, SA1, SA2 - Wasson
- 8 SS SCS HB 2317, as amended, E.C. - Tracy
- 9 SCS HB 1392 - Kirkton
- 10 SCS HB 1892 - Nasheed
- 11 SS HCS HB 1848 - Holsman
- 12 SCS HCS HB 1903, E.C. - Icet
- 13 SS HB 1713, (Fiscal Review 5-5-10) - Sander
- 14 SCS HCS HB 1831 - Jones (117)
- 15 SS SCS HCS HB 1764 - Diehl
- 16 HCS#2 HB 1472, SA 1, E.C. - Franz
- 17 HCS HB 2262 & 2264, SA 1, E.C. - Day
- 18 SCS HCS HB 1516 - Smith (150)
- 19 SCS HCS HB 1858 - Zimmerman
- 20 HCR 38, SCA 1 - Icet
- 21 SCS HB 1868, as amended, E.C. - Scharnhorst
- 22 HB 1894, SA 1, SA 2 - Bringer
- 23 SS HCS HB 2357, as amended - Smith (150)

### **BILLS CARRYING REQUEST MESSAGES**

- 1 HCS SB 987, as amended, (request House recede/grant conference), E.C. - Hobbs
- 2 HCS SCS SBs 842, 799 & 809, as amended,  
(request House recede/grant conference), E.C. - Stream
- 3 SCS HCS HBs 1311 & 1341, (request Senate recede/grant conference) - Scharnhorst
- 4 SCS HCS HB 1965, as amended, (request Senate recede/grant conference) - McNary
- 5 SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended,  
(request Senate recede/grant conference) - Wasson
- 6 HB 1691, SA 1, SA 2 (request Senate recede/grant conference) - Kraus
- 7 SS#2 HB 1268, as amended, (request Senate recede/grant conference), E.C. - Meiners
- 8 SCS HB 1677, (request Senate recede/grant conference), E.C. - Hoskins (80)
- 9 SS HCS HBs 1408 & 1514, (request Senate recede/grant conference), E.C. - Smith (150)

### **BILLS IN CONFERENCE**

- 1 CCR SS SCS HB 1442, as amended, E.C. - Jones (89)
- 2 SCS HCS HB 2297, as amended - Molendorp
- 3 HCS SCS SB 754, as amended - Wasson
- 4 HCS SS SCS SB 605, as amended, E.C. - Stevenson
- 5 HCS SCS SB 733, as amended, E.C. - Kingery
- 6 HCS SB 795, as amended, E.C. - Loehner

### **SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 51, (3-31-10, Pages 815-817) - Munzlinger
- 3 SCR 56, (4-27-10, Pages 1111-1112) - Bivins

### **HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HCS HB 2300 - Wilson (130)

### **SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-EIGHTH DAY, TUESDAY, MAY 11, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, as we near the end of this Second Regular Session of this 95<sup>th</sup> General Assembly, we thank You for the opportunity to participate in advancing justice and the common good. Give us the mental and physical stamina to give each topic that remains on this week's agenda the attention it deserves.

We pray for all the people of our State, especially those who suffer from unemployment. May the health of the economy soon return and place opportunity before them.

We pray for those who suffer from weakened physical health. May the health care they need be available to them, and may persons of tender loving care be there to take care of them.

To You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Dane Foster, Joshua L. Giljum, Emily N. Giljum, Melanie J. Giljum, Joshua L. Giljum Jr., Jack LeVota, Jordan Walker, Jenna Halvorson, Max Ghasemi, Madison Flynn, Taylor Tobin, Kate Eischens, Jakob Capp and Jerrod Swearingen.

The Journal of the sixty-seventh day was approved as printed.

## **SPECIAL RECOGNITION**

The Sikeston Jaycees were introduced by Representative Brandom and recognized as Outstanding Missourians.

Robotics Teams from Lee's Summit High School(s) were introduced by Representative Grisamore and recognized for their participation in the 2010 FIRST (For Inspiration and Recognition of Science and Technology) Robotics Competition.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 3249 through House Resolution No. 3285

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 583** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Reveiw, to which was referred **HCS SB 741** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS#2 HB 1268, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Justus, Days, Pearce, Lager and Crowell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HBs 1311 & 1341** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Rupp, Schmitt, Crowell, Days and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HBs 1408 & 1514** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Lembke, Cunningham, Ridgeway, Callahan and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1677** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Days, Justus, Pearce, Lager and Crowell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SA 1** and **SA 2** to **HB 1691** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Pearce, Lager, Schmitt, Days and Justus.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1965, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Cunningham, Lembke, Mayer, Callahan and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Scott, Cunningham, Mayer, Keaveny and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCR 54, as amended**, and has taken up and passed **HCS SCR 54, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 795, as amended**: Senators Mayer, Clemens, Purgason, Barnitz and Shoemyer.

### **BILLS CARRYING REQUEST MESSAGES**

**HCS SB 987, as amended**, relating to higher education research, was taken up by Representative Hobbs.

Representative Hobbs moved that the House recede from its position on **HCS SB 987, as amended**.

Which motion was adopted.

On motion of Representative Hobbs, **SB 987** was truly agreed to and finally passed by the following vote:

AYES: 094

Atkins	Aull	Bivins	Brandom	Brown 30
Brown 50	Bruns	Burnett	Calloway	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Deeken	Dieckhaus	Dixon	Dougherty
Englund	Faith	Fisher 125	Flook	Frame
Franz	Funderburk	Grill	Guernsey	Guest
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Jones 63	Jones 89	Jones 117	Kelly	Kingery
Kirkton	Komo	Kratky	Lampe	Largent
LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McDonald	McNary	McNeil	Meiners

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Morris	Nance	Nasheed	Newman	Nolte
Norr	Oxford	Pace	Parson	Rucker
Ruestman	Ruzicka	Sater	Schaaf	Schad
Scharnhorst	Schieffer	Schupp	Silvey	Skaggs
Still	Storch	Stream	Sutherland	Talboy
Tilley	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Weter	Whitehead
Wilson 130	Witte	Zimmerman	Mr Speaker	

NOES: 063

Allen	Ayres	Biermann	Bringer	Brown 149
Burlison	Casey	Cooper	Davis	Day
Denison	Dethrow	Dugger	Dusenberg	Emery
Ervin	Fallert	Fischer 107	Flanigan	Gatschenberger
Grisamore	Harris	Hughes	Hummel	Icet
Keeney	Koenig	Kraus	Kuessner	Lair
Leara	Lipke	McGhee	Meadows	Molendorp
Munzlinger	Nieves	Parkinson	Pollock	Pratt
Quinn	Riddle	Roorda	Sander	Scavuzzo
Schlottach	Schoeller	Schoemehl	Self	Shively
Smith 14	Smith 150	Spreng	Stevenson	Swinger
Thomson	Todd	Viebrock	Wells	Wilson 119
Wright	Yaeger	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 005

Carter	Diehl	Kander	Salva	Tracy
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VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS SCS SBs 842, 799 & 809, as amended**, relating to the MO HealthNet Program, was taken up by Representative Stream.

Representative Stream moved that the House refuse to recede from its position on **HCS SCS SBs 842, 799 & 809, as amended**, and grant the Senate a conference.

Which motion was adopted.

**BILL IN CONFERENCE**

**HCS SS SCS SB 605, as amended**, relating to county classifications and sales tax, was taken up by Representative Stevenson.

Representative Stevenson moved that the House conferees be allowed to exceed the differences on **HCS SS SCS SB 605, as amended**.



Which motion was adopted by the following vote:

AYES: 101

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Calloway	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fallert	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hodges	Hoskins 80
Hoskins 121	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Largent	Leara	Lipke
Loehner	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Todd
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

Mr Speaker

NOES: 055

Atkins	Aull	Bringer	Burnett	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Englund
Fischer 107	Frame	Grill	Harris	Holsman
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Roorda
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Dieckhaus	Dougherty	McGhee	McNary
Tilley				

VACANCIES: 001

**SENATE CONCURRENT RESOLUTIONS**

**HCS SCR 36**, relating to a balanced budget amendment, was taken up by Representative Icet.

On motion of Representative Icet, **HCS SCR 36** was adopted by the following vote:

AYES: 129

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Burlison
Burnett	Calloway	Casey	Conway	Cooper
Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Lair	Lampe	Largent	Leara
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 027

Atkins	Chappelle-Nadal	Colona	Curls	Hoskins 80
Hughes	Hummel	Jones 63	Kirkton	Kuessner
LeBlanc	LeVota	Low	Morris	Newman
Oxford	Pace	Schupp	Spreng	Still
Talboy	Vogt	Walton Gray	Webb	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Bruns	Carter	Diehl	Liese
Roorda				

VACANCIES: 001

**SCR 51**, relating to a Missouri River study, was taken up by Representative Munzlinger.

On motion of Representative Munzlinger, **SCR 51** was adopted by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 005

Burnett	Hughes	LeVota	Skaggs	Spreng
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PRESENT: 000

ABSENT WITH LEAVE: 005

Bruns	Carter	Diehl	Salva	Vogt
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VACANCIES: 001

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**SS HCS HBs 1408 & 1514:** Representatives Smith (150), Cox, Smith (14), Holsman and Oxford

**SCS HCS HB 1965:** Representatives McNary, Burlison, Jones (89), Bringer and Low

**SCS HB 2226, HB 1824, HB 1832 & HB 1990:** Representatives Wasson, Wells, Day, Roorda and Norr

**SCS HCS HB 2297:** Representatives Zerr, Nolte, Wallace, Hummel and LeVota

**HCS SB 795:** Representatives Loehner, Munzlinger, Schlottach, Harris and Shively

**SENATE CONCURRENT RESOLUTION**

**SCR 56**, relating to coal-fueled power generation, was taken up by Representative Bivins.

On motion of Representative Bivins, **SCR 56** was adopted by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberry	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	SchAAF	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 009

Bruns	Carter	Day	Diehl	Quinn
Salva	Stevenson	Todd	Vogt	

VACANCIES: 001

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1444**, entitled:

An act to amend chapter 67, RSMo, by adding thereto one new section relating to notice for certain public meetings.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS#2 SB 844**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

### HOUSE BILL WITH SENATE AMENDMENTS

**SCS HB 1868, as amended**, relating to the State Records Commission, was taken up by Representative Scharnhorst.

Representative Scharnhorst moved that the House refuse to adopt **SCS HB 1868, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences.

**SCS HB 1868, as amended, with motion pending**, was laid over.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like Committee from the Senate on the following bill:

**SCS HCS HBs 1311 & 1341:** Representatives Scharnhorst, Cooper, Nance, LeVota and Grill

Representative Kingery assumed the Chair.

## HOUSE BILL WITH SENATE AMENDMENTS

**SCS HB 1868, as amended, with motion pending**, was again taken up by Representative Scharnhorst.

Representative Scharnhorst again moved that the House refuse to adopt **SCS HB 1868, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences.

Speaker Pro Tem Pratt resumed the Chair.

Representative Witte made a substitute motion that the House refuse to adopt **SCS HB 1868, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference, and allow the conferees to exceed the differences regarding the sections that have to do with pensions for the Water Patrol.

Which motion was adopted.

## APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**SS#2 HB 1268:** Representatives Meiners, Zerr, Allen, Nolte and LeVota

**SCS HB 1677:** Representatives Hoskins (80), Zerr, Allen, Nolte and Webber

## BILL CARRYING REQUEST MESSAGE

**HCS#2 SB 844**, relating to public officials, was taken up by Representative Jones (89).

Representative Jones (89) moved that the House refuse to recede from its position on **HCS#2 SB 844** and grant the Senate a conference, and that the conferees be allowed to exceed the differences.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke

Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Calloway	Carter	Diehl	Salva	Stevenson
Vogt				

VACANCIES: 001

Representative Jones (89) again moved that the House refuse to recede from its position on **HCS#2 SB 844** and grant the Senate a conference, and that the conferees be allowed to exceed the differences.

Which motion was adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1375**, entitled:

An act to amend chapters 167 and 191, RSMo, by adding thereto two new sections relating to treatment of certain sexually transmitted diseases.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 733, as amended**, and has taken up and passed **CCS HCS SCS SB 733**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SBs 842, 799 & 809, as amended**: Senators Schmitt, Crowell, Dempsey, Callahan and Justus.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Pratt.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1316**, entitled:

An act to repeal sections 52.230, 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 137.180, 137.355, 139.031, 139.040, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.110, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, and 165.071, RSMo, and to enact in lieu thereof thirty-nine new sections relating to property taxes.

With Senate Amendment No. 1, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 6.

#### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 8, Section 137.355, Line 50, by inserting after all of said line the following:

"138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

**(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.**

**(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.**

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.



[3.] 4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] 6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 27, Section 140.420, Line 11, by inserting immediately after all of said line the following:

**"141.535. 1. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the court shall stay the sale of any tax parcel to be sold under execution of a tax foreclosure judgment obtained under this chapter, which is the subject of an action filed under sections 447.620 to 447.640, provided that the party which has brought such an action has paid into the circuit court the principal amount of all land taxes then due and owing under the tax foreclosure judgment, exclusive of penalties, interest, attorney fees, and court costs, prior to the date of any proposed sale under execution. The party bringing such action shall provide written notice of the filing of the action to the court administrator and file with the circuit court in which the action is pending a certificate that such notice has been provided to the court administrator.**

**2. Upon the granting by the court of temporary possession of any property under section 447.632 and again upon the approval by the court of a sheriff's deed under section 447.625, the circuit court shall direct payment to the county collector of all principal land taxes theretofore paid into the circuit court. In addition, in any order granting a sheriff's deed under section 447.625, the court shall also order the permanent extinguishment of liability against the grantee of the sheriff's deed, and all successors in interest; excepting however, any defendant in such action, for penalties, interest, attorney fees, and court costs arising from actions to collect delinquent land taxes due on the subject property. The funds paid into the court for land taxes shall then be paid to the county collector. If an owner of such a property moves the court for restoration of the subject property under section 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on the property, including all statutory penalties, interest, attorney fees, and court costs retroactive to the date of accrual.**

**3. If the party which brought the action under sections 447.620 to 447.640 dismisses its action prior to gaining temporary possession of the property, it shall recover any amounts paid into the circuit court prior to that date for principal land taxes.**

**4. In the event that an owner of the tax parcel regains possession under section 447.638, the party which brought the action under sections 447.620 to 447.640 shall recover from that owner an amount equal to that paid into the court by said party and paid to the county collector under this section, and shall be granted judgment thereon."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 5, Section 55.190, Line 15, by inserting immediately after all of said line the following:

"67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted."; and

Further amend said bill, Section 137.180, Page 7, Line 78, by inserting immediately after all of said line the following:

"137.243. 1. To determine the "projected tax liability" required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year's state assessed values, and the prior year's personal property values. On or before

March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision's tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision's tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor's office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor's office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 5, Section 55.190, Line 15, by inserting after all of said line the following:

"92.715. 1. The collectors of cities operating under the provisions of sections 92.700 to 92.920 shall proceed to collect the taxes contained in the back tax book or [record] **recorded** list of the delinquent land and lots in the collector's office as herein required.

2. Any person interested in or the owner of any tract of land or lot contained in the back tax book or in the recorded list of delinquent lands and lots in the collector's office may redeem such tract of land or town lot, or any part thereof, from the state's or such city's lien thereon, by paying to the proper collector the amount of the original taxes, together with interest from the date of delinquency at the rate of [one] **two** percent per month with a maximum rate of [ten] **eighteen** percent per annum and the costs. [For any delinquency occurring after January 1, 2000, the rate shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System.]

3. If suit shall have been commenced against any tract of land or town lot for the collection of taxes, the person desiring to redeem any such land before judgment, in addition to the original tax, interest and costs including attorney's fee accruing under this law, shall pay to the city collector all necessary costs incurred in the court where the suit is pending, and the city collector shall account to the clerk of the court in which said suit is filed for the court costs so collected.

4. The provisions of the law with reference to the compromise of taxes shown on the back tax book or recorded list of delinquent land and lots in the collector's office shall apply to and shall also authorize the compromise of any judgment for taxes after the same had been rendered therefor and up to that time when the property shall be sold under execution issued on said judgment; such compromise to be authorized by the same officials and under the same conditions as set forth under existing law for the compromise of taxes. The comptroller of any city operating under the

provisions of sections 92.700 to 92.920 shall serve in lieu of the county commission. The comptroller shall also have the right to correct manifest errors."; and

Further amend said bill, Page 14, Section 140.080, Line 7, by inserting after all of said line the following:

"140.100. 1. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent per month or fractional part thereof. [In any city not within a county which elects to operate under the provisions of this chapter pursuant to section 141.970, RSMo, the maximum penalty on any delinquency occurring after January 1, 2000, shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.]

2. For making and recording the delinquent land lists, the collector and the clerk shall receive ten cents per tract or lot and the clerk shall receive five cents per tract or lot for comparing and authenticating such list."; and

Further amend said bill, Page 27, Section 140.420, Line 11, by inserting after all of said line the following:

"141.830. 1. The collectors of such cities not within a county shall proceed to collect the taxes contained in the back tax book or recorded list of the delinquent land and lots in the collector's office as herein required.

2. Any person interested in or the owner of any tract of land or lot contained in the back tax book or in the recorded list of delinquent lands and lots in the collector's office may redeem such tract of land or town lot, or any part thereof, from the state's or such city's lien thereon, by paying to the proper collector the amount of the original taxes, together with interest from the date of delinquency at the rate of ten percent per annum and the costs until January 1, 1983, and beginning on January 1, 1983, at the rate of **two percent per month, not to exceed** eighteen percent per annum and the costs. [For any delinquency occurring after January 1, 2000, the rate shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.]

3. If suit shall have been commenced against any person owing taxes on any tract of land or town lot for the collection of taxes, the person desiring to redeem any such land before judgment, in addition to the original tax, interest and costs including attorney's fee accruing under this law, shall pay to the city collector all necessary costs incurred in the court where the suit is pending, and the city collector shall account to the clerk of the court in which such suit is filed for the court costs so collected."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS#2 SB 844**: Senators Shields, Scott, Vogel, Green and McKenna.

#### **HOUSE BILL WITH SENATE AMENDMENTS**

**SS SCS HCS HB 1764**, relating to domestic insurance companies, was taken up by Representative Diehl.

Representative Leara assumed the Chair.

Representative Icet assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

Representative Silvey assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Frame	McNary	Meiners	Salva
Vogt				

VACANCIES: 001

On motion of Representative Diehl, **SS SCS HCS HB 1764** was adopted by the following vote:

AYES: 108

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Casey
Conway	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kraus	Lair
Largent	Leara	Liese	Lipke	Loehner
McGhee	Meadows	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Roorda	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 048

Atkins	Aull	Bringer	Brown 50	Burnett
Calloway	Chappelle-Nadal	Colona	Corcoran	Curls
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Low	McClanahan
McDonald	McNeil	Morris	Newman	Norr
Oxford	Pace	Quinn	Rucker	Schupp
Skaggs	Spreng	Still	Storch	Talboy
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	McNary	Meiners	Salva	Vogt
Wasson				

VACANCIES: 001

On motion of Representative Diehl, **SS SCS HCS HB 1764** was truly agreed to and finally passed by the following vote:

AYES: 108

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Casey
Conway	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kraus	Lair
Largent	Leara	Liese	Lipke	Loehner
McGhee	Meadows	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Roorda	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 047

Atkins	Aull	Bringer	Brown 50	Burnett
Calloway	Chappelle-Nadal	Colona	Curls	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Low	McClanahan	McDonald
McNeil	Morris	Newman	Norr	Oxford
Pace	Quinn	Rucker	Schupp	Skaggs
Spreng	Still	Storch	Talboy	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 007

Carter	Corcoran	McNary	Meiners	Salva
Stevenson	Vogt			

VACANCIES: 001

Representative Silvey declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1868, as amended**, and grants the House a conference thereon and that the conferees be allowed to exceed the difference regarding the sections that have to do with pensions for the Water Patrol.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the conferees on **HCS#2 SB 844** are allowed to exceed the differences.

Speaker Richard assumed the Chair.

### APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**SCS HB 1868:** Representatives Scharnhorst, Bruns, Hoskins (121), Roorda and Whitehead  
**HCS SCS SBs 842, 799 & 809:** Representatives Stream, Sater, Jones (89), McClanahan and McDonald

Representative Silvey resumed the Chair.

### THIRD READING OF SENATE BILL

**HCS SB 791, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 1, pending**, relating to utilities, was taken up by Representative Emery.

**House Substitute Amendment No. 1 for House Amendment No. 1** was withdrawn.

**House Amendment No. 1** was withdrawn.

Representative Bivins offered **House Amendment No. 2.**

#### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 791, Page 6, Section 250.233, Line 11, by inserting after all of said line the following:

“386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred,



or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service.

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date. **When the complainant files a complaint alleging that the current rates of an electrical corporation, water corporation, or sewer corporation are unjust and unreasonable, the commission shall issue its order deciding the complaint and prescribing the rates that it finds to be just and reasonable no late than one hundred sixty five days after the complaint was filed. The rates prescribed by the commission shall take effect no later than twenty days after the issuance of the commission's order under this subsection.**"; and

Further amend said bill, Page 8, Section 386.715, Lines 50-56, by deleting all of said lines; and

Further amend said bill, Page 9, Section 393.150, Line 34, by inserting after the word "remaining." the following:

**"The commission may in its discretion permit parties other than the corporation to file cross-surrebuttal to address issues raised by parties other than the corporation in rebuttal testimony on the same date that the corporation has the opportunity to submit surrebuttal testimony."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schad offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1  
to  
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 791, Page 2, Line 5, by deleting the word **"When"** and inserting in lieu thereof the word **"Where"**; and

Further amend said amendment, Page 2, Line 8, by deleting the words **"late than one hundred sixty five"** and inserting in lieu thereof the following words **"later than two hundred fifty"**; and

Further amend said amendment, Page 2, Line 12, by inserting after all of said line the following:

'Further amend said bill, Page 8, Section 393.150, Line 23, by deleting the words "[six] **two months.**" and inserting in lieu thereof the following **"six months if the suspension pertains to a filing made prior to January 1, 2011, or, for a further period not to exceed one hundred fifty days if the suspension pertains to a filing made on January 1, 2011 or thereafter."**; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schad, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 007

Carter	Corcoran	Meiners	Morris	Salva
Stevenson	Vogt			

VACANCIES: 001

On motion of Representative Bivins, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 122

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Calloway	Casey	Colona	Conway	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Hobbs	Hodges	Holsman
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kingery	Koenig	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 034

Atkins	Biermann	Bringer	Burnett	Chappelle-Nadal
Curls	Englund	Fischer 107	Frame	Harris
Hoskins 80	Hughes	Jones 63	Kelly	Kirkton
Komo	Kratky	Low	McClanahan	Newman
Norr	Oxford	Pace	Schupp	Skaggs
Spreng	Still	Storch	Talboy	Walsh
Walton Gray	Whitehead	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Corcoran	Morris	Salva	Stevenson
Vogt				

VACANCIES: 001

Representative Schad offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 791, Section 393.320, Page 10, Lines 17 through 26, by removing all of said lines from the bill and inserting in lieu thereof the following:

**“2. The procedures contained in section 393.320 may be chosen by a large water public utility, and if so chosen shall be used by the public service commission to establish the ratemaking rate base of a small water utility during an acquisition.”; and**

Further amend said section, Line 3, by deleting from said line the word: **“The”** and inserting in lieu thereof the word: **“An”**; and

Further amend said section, Line 30, by inserting after the phrase: **“who is”** the word: **“a”**; and

Further amend said section, Line 31, by deleting from said line the word: **“appraisers”** and inserting in lieu thereof the word: **“appraiser”**; and

Further amend said section, Page 11, Lines 37 and 38, by deleting said lines and inserting in lieu thereof the following:

**“public utility in a reasonable and timely manner.”; and**

Further amend said section, Page 11, Lines 41 through 45, by removing all of said lines from the bill and inserting in lieu thereof the following:

**“4. Nothing in this section shall prohibit a party from declining to proceed with an acquisition or be deemed as establishing the final purchase price of an acquisition.”; and**

Further amend said section, Page 11, Line 65, by deleting from said line the phrase: **“paid prior to the sale”** and inserting in lieu thereof the phrase:

**“resolved prior to the transfer of ownership”**; and

Further amend said section, Page 12, Lines 70 through 72, by deleting all of said lines and inserting in lieu thereof the following:

**“6. Any new permit issued pursuant to chapters 640 and 644, when a small water system is acquired by a large water public utility, shall include a plan to resolve all outstanding permit compliance issues. After the transfer of ownership, the acquiring large public water utility shall continue providing service to all customers that were served by the small water utility at the time of sale.**

**7. This section is intended for the specific and unique purpose of determining the ratemaking rate base of small water utilities and shall be exclusively applied to large water public utilities in the acquisition of a small water utility.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Englund raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Silvey requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Schad, **House Amendment No. 3** was adopted.

Representative Diehl offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 791, Page 1, Section A, Line 4, by inserting after all of said line the following:

**"67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the "Property Assessment Clean Energy Act".**

**2. The general assembly hereby finds, determines, and declares that:**

**(1) The development, production, and efficient use of renewable energy, as well as the installation and implementation of energy efficiency improvements to privately and publicly owned property, will create jobs for residents of the state, advance the economic well-being and public and environmental health of the state, and contribute to the energy independence of the nation; and**

**(2) The financing of energy efficiency and renewable energy improvement projects and privately and publicly owned property, as provided by sections 67.2800 to 67.2835, will serve a valid public purpose and the primary intent of sections 67.2800 to 67.2835 is to promote such public purpose.**

**3. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:**

**(1) "Assessment contract", a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years in exchange for financing of an energy efficiency improvement or a renewable energy improvement;**

**(2) "Authority", the state environmental improvement and energy resources authority established under section 260.010;**

**(3) "Bond", any bond, note, or other similar instrument issued by or on behalf of a clean energy development board;**

**(4) "Clean energy conduit financing", the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;**

**(5) "Clean energy development board", a board formed by one or more municipalities under section 67.2810;**

**(6) "Director", the director of the department of economic development;**

**(7) "Energy efficiency improvement", any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:**

**(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;**  
**(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;**

**(c) Automatic energy control systems;**

**(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;**

**(e) Caulking and weatherstripping;**

**(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;**

**(g) Energy recovery systems; and**

**(h) Daylighting systems;**

**(8) "Municipality", any county, city, or incorporated town or village of this state;**

**(9) "Project", any energy efficiency improvement or renewable energy improvement;**

**(10) "Property assessed clean energy local finance fund", the fund established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;**

**(11) "Property assessed clean energy program", a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;**

**(12) "Renewable energy improvement", any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.**

4. All projects undertaken under sections 67.2800 to 67.2835 are subject to the applicable municipality's ordinances and regulations, including, but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

67.2805. 1. The authority may, as needed, promulgate administrative rules and regulations relating to the following:

(1) Guidelines and specifications for administering the property assessed clean energy local finance fund; and

(2) Any clarification to the definitions of energy efficiency improvement and renewable energy improvement as the authority may determine is necessary or advisable.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

67.2810. 1. One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:

(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or

(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.

2. A clean energy development board shall be a separate body politic and corporate and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to 68.2835, including, but not limited to the following:

(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to 68.2835;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To make and enter into contracts and other instruments with public and private entities;

(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;

(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;

(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;

(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;

(9) To finance a project under an assessment contract;

(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;

(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the limitations on investments provided in this subdivision shall not apply to proceeds acquired from the sale of bonds which are held by a corporate trustee; and

(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.

3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board, an annual report for the preceding calendar year that includes:

(1) A brief description of each project financed by the clean energy development board during the preceding calendar year;

(2) The amount of assessments due and the amount collected during the preceding calendar year;

(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;

(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and

(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.

4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.

**67.2815. 1.** A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

2. An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:

(1) A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;

(2) A mechanism for:

(a) Verifying the final costs of the project upon its completion; and

(b) Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

(3) An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that equals or exceeds the total assessments due under the assessment contract;

(4) An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;

(5) A distribution of assessment amounts among all parcels of real property subject to the assessment contract;

(6) A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and

(7) An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

3. The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.

4. The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.

5. Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the county collector in the same manner and with the same priority as ad valorem real property taxes. Once collected, the county collector shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.

6. Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves the issuance of bonds by the clean energy development board.

67.2820. 1. Any clean energy development board may establish a property assessed clean energy program to finance energy efficiency improvements or renewable energy improvements. A property assessed clean energy program shall consist of a program whereby a property owner may apply to a clean energy development board to finance the costs of a project through annual special assessments levied under an assessment contract.

2. A clean energy development board may establish application requirements and criteria for project financing approval as it deems necessary to effectively administer such program and ration available funding among projects, including but not limited to requiring projects to meet certain energy efficiency standards.

3. A clean energy development board may require an initial energy audit as defined in subdivision (4) of subsection 1 of section 640.153, as a prerequisite to project financing through a property assessed clean energy program as well as inspections to verify project completion.

67.2825. 1. In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.

2. A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.

67.2830. 1. A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.

2. Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.

67.2835. The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic."; and

Further amend said bill, Page 6, Section 250.233, Line 11, by inserting after all of said line the following:

"260.005. As used in sections 260.005 to 260.125, the following words and terms mean:

(1) "Authority", the state environmental improvement and energy resources authority created by sections 260.005 to 260.125;

(2) "Bonds", bonds issued by the authority pursuant to the provisions of sections 260.005 to 260.125;

(3) "Cost", the expense of the acquisition of land, rights-of-way, easements and other interests in real property and the expense of acquiring or constructing buildings, improvements, machinery and equipment relating to any project, including the cost of demolishing or removing any existing structures, interest during the construction of any project and engineering, research, legal, consulting and other expenses necessary or incident to determining the feasibility or practicability of any project and carrying out the same, all of which are to be paid out of the proceeds of the bonds or notes authorized by sections 260.005 to 260.125;



(4) "Disposal of solid waste or sewage", the entire process of storage, collection, transportation, processing and disposal of solid wastes or sewage;

(5) "Energy conservation", the reduction of energy consumption;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Notes", notes issued by the authority pursuant to sections 260.005 to 260.125;

(8) "Pollution", the placing of any noxious substance in the air or waters or on the lands of this state in sufficient quantity and of such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

(9) "Project", any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery, equipment, and devices or modifications to a building or facility, acquired or constructed, or to be acquired or constructed for the purpose of developing energy resources or preventing or reducing pollution or the disposal of solid waste or sewage or providing water facilities or resource recovery facilities or carrying out energy efficiency modifications in, but not limited to, buildings owned by the state or providing for energy conservation or increased energy efficiency **or renewable energy**;

(10) **"Renewable energy", the production of energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems;**

(11) "Resource recovery", the recovery of material or energy from solid waste;

[(11)] (12) "Resource recovery facility", any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse;

[(12)] (13) "Resource recovery system", a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues;

[(13)] (14) "Revenues", all rents, installment payments on notes, interest on loans, revenues, charges and other income received by the authority in connection with any project and any gift, grant, or appropriation received by the authority with respect thereto;

[(14)] (15) "Sewage", any liquid or gaseous waste resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(15)] (16) "Solid waste", garbage, refuse, discarded materials and undesirable solid and semisolid residual matter resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(16)] (17) "Synthetic fuels", any solid, liquid, or gas or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivatives thereof, including chemical feedstocks) and which is produced by chemical or physical transformation (other than washing, coking, or desulfurizing) of domestic sources of coal, including lignite and peat; shale; tar sands, including heavy oils; water as a source of hydrogen only through electrolysis, and mixtures of coal and combustible liquids including petroleum; and

[(17)] (18) "Water facilities", any facilities for the furnishing of water for industrial, commercial, agricultural or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, related equipment and machinery.

260.080. No part of the funds of the authority shall inure to the benefit of or be distributable to its members or other private persons except that the authority is authorized and empowered to pay reasonable compensation for services rendered as herein provided for **and to otherwise carry out the provisions of sections 260.005 to 260.125.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Calloway raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

Representative Silvey requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Schupp offered **House Amendment No. 1 to House Amendment No. 4**.

Representative Cox raised a point of order that **House Amendment No. 1 to House Amendment No. 4** goes beyond the scope of the underlying amendment.

Representative Silvey requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Diehl, **House Amendment No. 4** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stream	Sutherland
Thomson	Tilley	Tracy	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 010

Carter	Corcoran	LeBlanc	Meiners	Morris
Salva	Spreng	Stevenson	Viebrock	Vogt

VACANCIES: 001

On motion of Representative Emery, **HCS SB 791, as amended**, was adopted.

On motion of Representative Emery, **HCS SB 791, as amended**, was read the third time and passed by the following vote:

AYES: 114

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Colona	Conway	Cooper
Corcoran	Cox	Curls	Davis	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Ervin	Faith
Fallert	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kingery	Koenig
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Schoemehl	Silvey	Smith 14
Smith 150	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Wallace
Walsh	Walton Gray	Webb	Webber	Wells
Weter	Yaeger	Zerr	Mr Speaker	

NOES: 039

Biermann	Bringer	Burnett	Casey	Chappelle-Nadal
Cunningham	Dethrow	Dusenberg	Englund	Fischer 107
Frame	Harris	Kelly	Kirkton	Komo
Kratky	Kraus	LeVota	Low	McClanahan
Meadows	Newman	Oxford	Quinn	Scavuzzo
Schieffer	Schupp	Self	Shively	Skaggs
Still	Storch	Wasson	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Zimmerman	

PRESENT: 001

Jones 63

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ABSENT WITH LEAVE: 008

Carter	LeBlanc	Morris	Pace	Spreng
Stevenson	Viebrock	Vogt		

VACANCIES: 001

Representative Silvey declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 048

Allen	Ayres	Bivins	Brown 149	Bruns
Burlison	Cooper	Cox	Cunningham	Denison
Dieckhaus	Diehl	Dougherty	Dugger	Emery
Faith	Fisher 125	Flook	Franz	Funderburk
Guernsey	Guest	Hobbs	Lair	Loehner
McNary	Meiners	Nasheed	Nolte	Pollock
Roorda	Sander	Schad	Scharnhorst	Schlottach
Schoeller	Silvey	Smith 14	Stream	Sutherland
Thomson	Tilley	Viebrock	Webb	Wells
Yaeger	Zerr	Mr Speaker		

NOES: 103

Atkins	Aull	Biermann	Brandom	Bringer
Brown 30	Brown 50	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Davis	Day	Deeken	Dethrow	Dixon
Dusenberg	Englund	Ervin	Fallert	Fischer 107
Flanigan	Frame	Gatschenberger	Grill	Grisamore
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lampe
Largent	Leara	LeVota	Liese	Lipke
Low	McClanahan	McDonald	McGhee	McNeil
Meadows	Molendorp	Munzlinger	Nance	Newman
Nieves	Norr	Oxford	Pace	Parkinson
Parson	Pratt	Quinn	Riddle	Rucker
Ruestman	Salva	Sater	Scavuzzo	Schaaf
Schieffer	Schoemehl	Schupp	Self	Shively
Skaggs	Smith 150	Still	Storch	Swinger
Talboy	Todd	Tracy	Walsh	Walton Gray
Wasson	Webber	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Zimmerman		

PRESENT: 001

Jones 63

ABSENT WITH LEAVE: 010

Carter	Hughes	LeBlanc	Morris	Ruzicka
Spreng	Stevenson	Vogt	Wallace	Wright

VACANCIES: 001

## HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HB 1612**, relating to sewer district trustees, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **SCS HB 1612** was adopted by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Bringer	Schieffer
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PRESENT: 000

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ABSENT WITH LEAVE: 009

Carter	Dieckhaus	Holsman	Hughes	LeBlanc
Morris	Spreng	Vogt	Wallace	

VACANCIES: 001

On motion of Representative Molendorp, **SCS HB 1612** was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Molendorp
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 002

Bringer	Schieffer
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PRESENT: 000

ABSENT WITH LEAVE: 012

Carter	Dieckhaus	Frame	Holsman	Hughes
LeBlanc	Meiners	Morris	Rucker	Spreng
Vogt	Wallace			

VACANCIES: 001

Representative Silvey declared the bill passed.

Representative Bivins assumed the Chair.

**SS HCS HB 1806, as amended**, relating to county assessed valuation, was taken up by Representative Franz.

On motion of Representative Franz, **SS HCS HB 1806, as amended**, was adopted by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Iceet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 005

Oxford	Quinn	Still	Webber	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Cooper	Flanigan	Grisamore	Hughes
LeBlanc	Spreng	Vogt		

VACANCIES: 001

On motion of Representative Franz, **SS HCS HB 1806, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 005

Oxford	Quinn	Still	Webber	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 50	Carter	Hughes	LeBlanc	Salva
Spreng	Vogt			

VACANCIES: 001

Representative Bivins declared the bill passed.



The emergency clause was adopted by the following vote:

AYES: 121

Aull	Ayres	Bivins	Brandom	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Casey
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Kratky	Kraus	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	Low	McGhee	McNary	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Schoemehl	Self	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 034

Atkins	Biermann	Bringer	Burnett	Calloway
Chappelle-Nadal	Grill	Hoskins 80	Jones 63	Kander
Komo	Kuessner	LeVota	McClanahan	McDonald
McNeil	Morris	Newman	Oxford	Pace
Quinn	Scavuzzo	Schieffer	Schupp	Shively
Skaggs	Still	Talboy	Walton Gray	Webb
Webber	Whitehead	Witte	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Carter	Grisamore	Hughes	LeBlanc
Spreng	Vogt			

VACANCIES: 001

### THIRD READING OF SENATE BILL

**HCS#2 SCS SB 778**, relating to conveyances of state property, was taken up by Representative McGhee.

Representative McNeil offered **House Amendment No. 1**.

Representative Funderburk raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Bivins requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative McGhee, **HCS#2 SCS SB 778** was adopted.

On motion of Representative McGhee, **HCS#2 SCS SB 778** was read the third time and passed by the following vote:

AYES: 110

Allen	Atkins	Aull	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Burlison	Casey
Colona	Conway	Cooper	Curls	Davis
Day	Denison	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Ice	Jones 63	Jones 89
Kander	Keeney	Kelly	Kingery	Koenig
Kratky	Kraus	Lair	Lampe	Leara
Liese	Lipke	McDonald	McGhee	McNary
Meadows	Molendorp	Morris	Munzlinger	Nance
Nieves	Nolte	Pace	Parkinson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schoemehl	Self	Shively
Silvey	Smith 14	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Webb	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 043

Biermann	Bringer	Bruns	Burnett	Calloway
Cox	Cunningham	Deeken	Dethrow	Franz
Grisamore	Hobbs	Hughes	Hummel	Jones 117
Kirkton	Komo	Kuessner	Largent	LeVota
Loehner	Low	McClanahan	McNeil	Nasheed
Newman	Norr	Oxford	Parson	Roorda
Sater	Schad	Schlottach	Schoeller	Schupp
Skaggs	Smith 150	Still	Talboy	Wasson
Webber	Whitehead	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Ayres	Carter	Chappelle-Nadal	Corcoran	Diehl
LeBlanc	Meiners	Spreng	Vogt	

VACANCIES: 001

Representative Bivins declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 095

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Burlison	Casey
Colona	Conway	Cox	Cunningham	Davis
Day	Denison	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fischer 107	Fisher 125	Flanigan	Franz	Funderburk
Gatschenberger	Guernsey	Guest	Harris	Hoskins 121
Icet	Jones 89	Keeney	Kingery	Koenig
Kratky	Kraus	Lair	Lampe	Largent
Leara	Liese	Lipke	McGhee	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Pace	Parkinson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Schaaf	Scharnhorst	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 056

Atkins	Biermann	Bringer	Bruns	Burnett
Calloway	Curls	Deeken	Dethrow	Englund
Fallert	Frame	Grill	Grisamore	Hobbs
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Jones 117	Kander	Kelly	Kirkton
Komo	Kuessner	LeVota	Loehner	Low
McClanahan	McDonald	McNeil	Meadows	Morris
Nasheed	Newman	Norr	Oxford	Parson
Roorda	Scavuzzo	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Skaggs	Still
Walton Gray	Webb	Webber	Whitehead	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 011

Carter	Chappelle-Nadal	Cooper	Corcoran	Diehl
Flook	LeBlanc	Meiners	Spreng	Talboy
Vogt				

VACANCIES: 001

Speaker Pro Tem Pratt resumed the Chair.

## **COMMITTEE REPORTS**

**Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 900**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SCR 34**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Workforce Development and Workplace Safety**, Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **SB 1026**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 31**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCR 55**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 616**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 684**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 753**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 793**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 815**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 829**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 834**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 894**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 900**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 943**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 1007**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SCS SB 793** - Fiscal Review (Fiscal Note)  
**HCS SCS SB 815** - Fiscal Review (Fiscal Note)  
**HCS SCS SB 829** - Fiscal Review (Fiscal Note)  
**HCS SB 894** - Fiscal Review (Fiscal Note)  
**HCS SS SB 943** - Fiscal Review (Fiscal Note)

### **CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1311 & 1341**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 & 1341, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 & 1341;
2. The House recede from its position on House Committee Substitute for House Bill Nos. 1311 & 1341;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 & 1341, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dwight Scharnhorst  
/s/ Wayne Cooper  
/s/ Bob Nance  
/s/ Paul LeVota  
/s/ Jason Grill

FOR THE SENATE:

/s/ Scott Rupp  
/s/ Eric Schmitt  
/s/ Jason Crowell  
/s/ Rita Heard Days  
/s/ Ryan McKenna

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2226, HOUSE BILL NO. 1824, HOUSE BILL NO. 1832  
AND  
HOUSE BILL NO. 1990**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, with Senate Amendment Nos. 1, 2, 3, 6, 7, 11, 12, and 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, as amended;
2. That the House recede from its position on House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jay Wasson  
/s/ David Day  
/s/ Don Wells  
/s/ Jeff Roorda  
/s/ Charlie Norr

FOR THE SENATE:

/s/ Delbert Scott  
/s/ Jane Cunningham  
/s/ Robert Mayer  
/s/ Joseph P. Keaveny  
/s/ Ryan McKenna

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 733**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 733;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce  
/s/ Kurt Schaeffer  
/s/ Rita Heard Days  
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Gayle Kingery  
/s/ Mike Thomson  
/s/ Steve Hobbs  
/s/ Sue Schoemehl  
/s/ Jill Schupp

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, May 12, 2010.

## **COMMITTEE MEETINGS**

### **FISCAL REVIEW**

Wednesday, May 12, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CORRECTED

### **FISCAL REVIEW**

Thursday, May 13, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CORRECTED

### **RULES - PURSUANT TO RULE 25(32)(f)**

Wednesday, May 12, 2010, Hearing Room 7 upon morning recess.

Any bills referred to committee.

Possible Executive session.

### **RULES - PURSUANT TO RULE 25(32)(f)**

Thursday, May 13, 2010, 8:00 a.m. Hearing Room 7.

Any bills referred to committee.

Possible Executive session.

## **HOUSE CALENDAR**

SIXTY-NINTH DAY, WEDNESDAY, MAY 12, 2010

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper



- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis
- 23 HB 2255 - Jones (89)

### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

### **HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 67, (4-29-10, Pages 1179-1182) - Sutherland
- 2 HCR 79, (4-27-10, Pages 1097-1098) - Webb

### **SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617, Part I, Part II, Part III, Part IV, pending - Emery
- 2 HCS SCS SB 777 - Jones (89)
- 3 HCS SB 686, E.C. - Sutherland
- 4 HCS SCS SB 808, E.C. - Sutherland
- 5 HCS#2 SB 848 - Loehner
- 6 HCS SS SCS SB 920 - Stevenson
- 7 HCS SB 981, E.C. - Sutherland
- 8 HCS SB 741 - Dugger
- 9 HCS SCS SB 583, E.C. - Hobbs
- 10 HCS SB 940 - Hoskins (121)
- 11 SCS SB 616 - Wasson
- 12 HCS SB 684 - Stevenson
- 13 SB 753 - Parkinson
- 14 SS SCS SB 793, (Fiscal Review 5-11-10) - Pratt
- 15 HCS SCS SB 815, (Fiscal Review 5-11-10) - Wallace
- 16 HCS SCS SB 829, (Fiscal Review 5-11-10), E.C. - Lipke

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- 17 SCS SB 834 - Diehl
- 18 HCS SB 894, (Fiscal Review 5-11-10) - Wilson (130)
- 19 SB 900 - Wilson (130)
- 20 HCS SS SB 943, (Fiscal Review 5-11-10), E.C. - Wallace
- 21 HCS SS SB 1007, E.C. - Cooper

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HB 1336, SA 1 - Brandom
- 2 SCS HB 1941, as amended - Parson
- 3 HB 1942, SA 1 - Parson
- 4 HB 1643, SA1, SA2 - Brown (50)
- 5 HCS HB 1977, SA1, SA2 - Wasson
- 6 SS SCS HB 2317, as amended, E.C. - Tracy
- 7 SCS HB 1392 - Kirkton
- 8 SCS HB 1892 - Nasheed
- 9 SS HCS HB 1848 - Holsman
- 10 SCS HCS HB 1903, E.C. - Icet
- 11 SS HB 1713, (Fiscal Review 5-5-10) - Sander
- 12 SCS HCS HB 1831 - Jones (117)
- 13 HCS#2 HB 1472, SA 1, E.C. - Franz
- 14 HCS HBs 2262 & 2264, SA 1, E.C. - Day
- 15 SCS HCS HB 1516 - Smith (150)
- 16 SCS HCS HB 1858 - Zimmerman
- 17 HCR 38, SCA 1 - Icet
- 18 HB 1894, SA 1, SA 2 - Bringer
- 19 SS HCS HB 2357, as amended - Smith (150)
- 20 SCS HB 1444 - Jones (89)
- 21 SCS HCS HB 1375 - Cooper
- 22 SCS HCS HB 1316, as amended - Deeken

**BILLS IN CONFERENCE**

- 1 CCR SS SCS HB 1442, as amended, E.C. - Jones (89)
- 2 SCS HCS HB 2297, as amended - Molendorp
- 3 HCS SCS SB 754, as amended - Wasson
- 4 HCS SS SCS SB 605, as amended, E.C. - Stevenson
- 5 CCR HCS SCS SB 733, as amended, E.C. - Kingery
- 6 HCS SB 795, as amended, E.C. - Loehner
- 7 CCR SCS HCS HBs 1311 & 1341 - Scharnhorst
- 8 SS#2 HB 1268, as amended, E.C. - Meiners
- 9 SCS HB 1677, E.C. - Hoskins (80)
- 10 SCS HCS HB 1965, as amended - McNary
- 11 CCR SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended - Wasson
- 12 HB 1691, SA 1, SA 2 - Kraus

- 13 SS HCS HBs 1408 & 1514, E.C. - Smith (150)
- 14 HCS SCS SBs 842, 799 & 809, as amended, E.C. - Stream
- 15 HCS#2 SB 844 - Jones (89)
- 16 SCS HB 1868, as amended, E.C. - Scharnhorst

**SENATE CONCURRENT RESOLUTIONS**

- 1 SCR 31, (2-24-10, Pages 384-385) - Hoskins (121)
- 2 HCS SCR 55, (5-4-10, Pages 1282-1283) - Dixon

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-NINTH DAY, WEDNESDAY, MAY 12, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

LORD, O Lord, how excellent is Your name in all the Earth. God, You look down from Heaven and see the whole human race. From Your throne You observe all who live on the Earth. You made our hearts, so You understand everything we do. We depend on You; You are everything we need.

Father God, these last days signal the drawing to a close, a special chapter in the life of many of these Representatives. Thank You for their time, sacrifices, commitments and faithful service rendered on behalf of this State. Grant them a moment to breathe, enjoy family, reflect and receive counsel before embarking upon the next phase of life. As they seek You, give them clear guidance concerning their next assignment and may they be assured of Your presence each step of the way.

As the last days of this Session swiftly approach and a flurry of activities ensue, may each member be wise and not rushed in their discussions. May their final decisions be made based on sound research, reasoned thought, wise counsel and a clear understanding of the times in which we live and the best course of action. Give them success this day and show kindness to each one.

Now may the God of hope fill You with all joy and peace in believing, that You may abound in hope by the power of the Holy Spirit.

In the name of Your Son, I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Rachel Mann, Nick Santangelo, Austin Becherer, Shannon Patricia-Grace Dickson, Ryan Taylor Dickson, Lilyana Schafer, Logan Schafer, Noah Alan Sandidge, Emma Rose Sandidge, Drew Dodd, Delaney Dodd, Blake Fuchs, Ava Brickner, Drew Gingerich, Lauren Gingerich, Trey Rouse, Sophia Dominguez-Heithoff, Christian Holferty, Reilly Scott, Natalie Shively, Catalin Shively, Joshua Thompson, Hunter Schwent, Caitlin Decker-Pohlman and John Andrew Acker.

The Journal of the sixty-eighth day was approved as printed.

### **SPECIAL RECOGNITION**

Representatives of the St. Louis Fisher House and the Racing to Read Charitable Foundation were introduced by Representatives Smith (14) and Nasheed and recognized for their charitable service to their communities.

Dick Bott was introduced by Representative Cooper and recognized as an Outstanding Missourian.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 3286 through House Resolution No. 3353

### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS SB 793** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 815** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 829** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 894** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 943** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

### **BILL IN CONFERENCE**

**CCR SCS HCS HBs 1311 & 1341**, relating to autism spectrum disorder coverage, was taken up by Representative Scharnhorst.

**CCR SCS HCS HBs 1311 & 1341** was laid over.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like Committee from the Senate on the following bill:

**HCS#2 SB 844:** Representatives Jones (89), Tilley, Nieves, Nasheed and Hoskins (80)

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 46**.

With Senate Amendment No. 1.

### *Senate Amendment No. 1*

AMEND House Concurrent Resolution No. 46, Senate Journal 3-23-2010, Page 628, Lines 6-10, by striking all of said lines from the resolution; and

Further amend Lines 37-39 of said page, by striking all of said lines from the resolution.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 1695, 1742 & 1674**, entitled:

An act to repeal sections 302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.266, 542.276, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, RSMo, and to enact in lieu thereof seventeen new sections relating to intoxication-related traffic offenses, with penalty provisions.

With Senate Amendment No. 1.

### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1695, 1742 & 1674, Page 15, Section 542.266, Lines 1-16 of said page, by striking all of said section from the bill; and

Further amend said bill, Page 21, Section 577.010, Lines 16 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 22, Lines 1 and 2 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.**

**4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section, for such first offense:**

**(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;**

**(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.";** and

Further amend said bill, Page 22, Section 577.012, Line 16 of said page, by striking the following:

"No person who operated"; and

Further amend Lines 17 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 23, Lines 1 to 3 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"4. In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.**

**5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section, for such first offense:**

**(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;**

**(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.";** and

Further amend said bill, Page 26, Section 577.023, Lines 10 to 28 of said page, by striking all of said lines and inserting in lieu thereof the following:

"notwithstanding.

**(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of [five] ten days imprisonment[.];**

**(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or**

**(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available.**

**(2) No persistent offender shall be eligible for parole or probation until he or she has served a minimum of [ten] thirty days imprisonment[.];**

**(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court; or**

**(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available.**

**(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.**

**(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.**

In addition to any other terms or conditions of probation, the"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HB 1868, as amended**: Senators Shields, Schaefer, Crowell, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HCS HB 1893**, entitled:

An act to repeal section 313.835, RSMo, and to enact in lieu thereof three new sections relating to excursion gambling boats.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCR 36** and has taken up and passed **HCS SCR 36**.

### BILLS IN CONFERENCE

**CCR SCS HCS HBs 1311 & 1341**, relating to autism spectrum disorder coverage, was again taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **CCR SCS HCS HBs 1311 & 1314** was adopted by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Decken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Ice	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker



## 1492 *Journal of the House*

NOES: 016

Burlison	Cox	Davis	Day	Dethrow
Dugger	Emery	Ervin	Guernsey	Guest
Jones 89	Koenig	Parson	Sater	Schoeller
Self				

PRESENT: 000

ABSENT WITH LEAVE: 001

Pollock

VACANCIES: 001

On motion of Representative Scharnhorst, **CCS SCS HCS HBs 1311 & 1314** was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Ice	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 016

Burlison	Cox	Davis	Day	Dethrow
Dugger	Emery	Ervin	Guernsey	Guest
Jones 89	Koenig	Parson	Sater	Schoeller
Self				

PRESENT: 000

ABSENT WITH LEAVE: 002

Pollock                      Stevenson

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

Representative Icet assumed the Chair.

**CCR HCS SB 733, as amended**, relating to higher education student assistance, was taken up by Representative Kingery.

On motion of Representative Kingery, **CCR HCS SB 733, as amended**, was adopted by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

# 1494 *Journal of the House*

NOES: 005

Davis	Ervin	Sander	Self	Wallace
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PRESENT: 000

ABSENT WITH LEAVE: 005

Bruns	Corcoran	Jones 89	Morris	Pollock
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VACANCIES: 001

On motion of Representative Kingery, **CCS HCS SCS SB 733** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayes	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Schad	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 005

Davis	Ervin	Sander	Self	Wallace
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PRESENT: 000

ABSENT WITH LEAVE: 008

Bruns	Corcoran	Leara	Morris	Pollock
Scharnhorst	Stevenson	Viebrock		

VACANCIES: 001

Representative Icet declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	LeBlanc
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 009

Davis	Ervin	Harris	Sander	Sater
Self	Spreng	Wallace	Weter	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bruns	Cooper	Corcoran	Dusenberg	Franz
Jones 89	Leara	Morris	Nasheed	Pollock
Salva	Stevenson			

VACANCIES: 001

**THIRD READING OF SENATE BILL**

**HCS SB 940**, relating to bingo, was taken up by Representative Hoskins (121).

On motion of Representative Hoskins (121), **HCS SB 940** was adopted by the following vote:

AYES: 113

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cox	Cunningham	Curls
Day	Deeken	Denison	Diehl	Dixon
Dougherty	Faith	Fallert	Fisher 125	Flanigan
Gatschenberger	Grill	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Jones 63
Jones 89	Jones 117	Kander	Kelly	Kingery
Kirkton	Komo	Kratky	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Smith 14	Storch	Stream	Sutherland
Swinger	Tilley	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Weter	Whitehead	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 044

Ayres	Bringer	Burlison	Cooper	Davis
Dethrow	Dugger	Dusenberg	Emery	Englund
Ervin	Fischer 107	Flook	Frame	Franz
Funderburk	Grisamore	Guernsey	Harris	Hughes
Icet	Keeney	Koenig	Kraus	Kuessner
Lipke	Low	Molendorp	Pratt	Sander
Sater	Schad	Schoeller	Self	Skaggs
Smith 150	Spreng	Stevenson	Still	Talboy
Thomson	Tracy	Wilson 119	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 005

Corcoran	Dieckhaus	Pollock	Vogt	Wells
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VACANCIES: 001

On motion of Representative Hoskins (121), **HCS SB 940** was read the third time and passed by the following vote:

AYES: 109

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cox	Cunningham	Curls
Day	Deeken	Denison	Diehl	Dixon
Dougherty	Englund	Faith	Fallert	Fisher 125
Flanigan	Funderburk	Gatschenberger	Grill	Guest
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Jones 63	Jones 89	Jones 117	Kelly
Kingery	Kirkton	Komo	Kratky	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Scavuzzo	Schaaf	Schieffer	Schlottach
Schoemehl	Schupp	Shively	Silvey	Smith 14
Storch	Stream	Sutherland	Swinger	Tilley
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 043

Ayres	Bringer	Burlison	Cooper	Davis
Dethrow	Dugger	Dusenberg	Emery	Ervin
Fischer 107	Flook	Frame	Grisamore	Guernsey
Harris	Hughes	Ice	Keeney	Koenig
Kraus	Kuessner	Lipke	Low	McGhee
Molendorp	Pratt	Sander	Sater	Schad
Schoeller	Self	Skaggs	Smith 150	Spreng
Stevenson	Still	Talboy	Thomson	Tracy
Weter	Wilson 119	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 010

Corcoran	Dieckhaus	Franz	Kander	Nasheed
Pollock	Scharnhorst	Vogt	Webber	Wells

VACANCIES: 001

Representative Ice declared the bill passed.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

## AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Icet.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HBs 1311 & 1341**, and has taken up and passed **CCS SCS HCS HBs 1311 & 1341**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1559**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 2070**, entitled:

An act to repeal section 321.243, RSMo, and to enact in lieu thereof one new section relating to taxes for joint central fire and emergency dispatching services.

With Senate Amendment No. 1.

### *Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2070, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The

sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

**13. Provisions of this section to the contrary notwithstanding, in any county with a charter form of government and with more than one million inhabitants which imposes a sales tax authorized under the provisions of this section, such tax shall not apply to sales at retail of "food", as such term is defined under section 144.014."; and**



Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 2285**, entitled:

An act to authorize the conveyance of property owned by the state to the City of Maryville.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 2285, Page 1, Section Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

"To amend chapter 8, RSMo, by adding thereto twelve new sections relating to state properties and the conveyance thereof, with an emergency clause for certain sections."; and

Further amend said bill and page, Section 1, Line 1, by inserting immediately before said line the following:

"Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.016, to read as follows:

**8.016. 1. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.**

**2. The president pro tem of the senate and the speaker of the house of representatives shall be responsible for providing a training program for the members and staff of the general assembly regarding access to secured areas of the capitol building. They may consult with the office of administration and department of public safety when developing such program.";** and

Further amend said bill, Page 2, Section 1, Line 29, by inserting immediately after said line the following:

**"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Veterans Home in Cape Girardeau, Cape Girardeau County, Missouri, to the City of Cape Girardeau more particularly described as follows:**

**RIGHT OF WAY TRACT**

**RIGHT OF WAY TRACT FOR  
MISSOURI VETERANS HOME**

**PERTAINING TO TRACTS RECORDED IN BOOK NO. 452 - PAGE 71 AND IN BOOK NO. 677 - PAGE 395**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH,  
RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE  
GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:**

**Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89  
degrees 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the  
east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to  
Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21 degrees  
17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452**

at page no. 71 of the land records of the County Recorder's Office, said point being the TRUE POINT OF BEGINNING:

Thence continuing along said right of way the following courses and distances:

N 21 degrees 17' 45" W, 561.05 feet to a point being 130.00 feet easterly of and normal to the centerline of Interstate Route 55, station 1046+00.00; Thence N 18 degrees 47' 27" W, 461.53 feet to a point being 150.17 feet easterly of and normal to the centerline of Interstate Route 55, station 1041+38.91, said point being the beginning of curve concave to the southeast having a central angle of 44 degrees 15' 16" and a radius of 230.00 feet; Thence leaving said right of way line and along said curve in northwesterly and northeasterly direction, 177.65 feet; Thence N 25 degrees 27' 49" E, 127.92 feet to a point on the north line of a tract of land as recorded in book no. 677 at page no. 395; Thence along said north line, N 64 degrees 38' 07" E, 94.99 feet; Thence leaving said north line, S 25 degrees 27' 49" W, 201.56 feet to the beginning of a curve, concave to the southeast, having a central angle of 44 degrees 15' 16" and a radius of 170.00 feet; Thence along said curve in a southwesterly and southeasterly direction, 131.31 feet; Thence S 18 degrees 47' 27" E, 460.21 feet; Thence S 21 degrees 17' 45" E, 526.95 feet to a point on the south line of the afore said tract of land; Thence along said south line, S 40 degrees 02' 58" W, 68.37 feet to the True Point of Beginning, containing 1.82 acres more or less. (79,445 square feet)

2. The governor is hereby authorized and empowered to sell, transfer, grant, and convey a permanent easement and temporary construction easement over, on, and under property owned by the state in Cape Girardeau, Cape Girardeau County, Missouri to the City of Cape Girardeau, to be more particularly described as follows:

**PERMANENT SLOPE EASEMENT**

**PERMANENT SLOPE EASEMENT FOR  
MISSOURI VETERANS HOME  
PERTAINING TO TRACT RECORDED IN BOOK NO. 452 - PAGE 71**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH,  
RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE  
GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:**

Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89 degrees 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21 degrees 17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the land records of the County Recorder's Office; Thence N 40 degrees 02' 58" E, 68.37 feet along the south line of said tract to the TRUE POINT OF BEGINNING;

Thence continuing along said south line, N 40 degrees 02' 58" E, 17.09 feet; Thence leaving said south line, N 21 degrees 17' 45" W, 16.25 feet; Thence N 23 degrees 42' 15" E, 70.71 feet; Thence N 21 degrees 17' 45" W, 189.01 feet; Thence N 13 degrees 41' 46" E, 61.03 feet; Thence N 21 degrees 17' 45" W, 6.85 feet; Thence N 74 degrees 25' 33" W, 75.46 feet; Thence N 17 degrees 11' 40" W, 144.13 feet; Thence N 31 degrees 45' 20" W, 47.14 feet; Thence N 23 degrees 21' 53" W, 126.01 feet; Thence N 24 degrees 47' 59" W, 96.45 feet; Thence S 71 degrees 12' 33" W, 19.94 feet; Thence S 18 degrees 47' 27" E, 252.05 feet; Thence S 21 degrees 17' 45" E, 526.95 feet to the True Point of Beginning, containing 0.87 acres more or less. (37,936 square feet)

**TEMPORARY CONSTRUCTION EASEMENT 1**

**TRACT NO. 4  
MISSOURI VETERANS HOME**

**PERTAINING TO TRACTS RECORDED IN BOOK NO. 452 - PAGE 71 AND BOOK NO. 677 - PAGE 395**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89° 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21° 17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the land records of the County Recorder's Office; Thence N 40° 02' 58" E, 68.37 feet along the south line of said tract to the TRUE POINT OF BEGINNING;

Thence continuing along said south line, N 40° 02' 58" E, 28.49 feet; Thence leaving said south line, N 21° 17' 45" W, 6.64 feet; Thence N 23° 42' 15" E, 70.71 feet; Thence N 21° 17' 45" W, 190.00 feet; Thence N 13° 41' 46" E, 61.03 feet; Thence N 21° 17' 45" W, 15.00 feet; Thence N 74° 25' 33" W, 75.00 feet; Thence N 17° 11' 40" W, 139.95 feet; Thence N 31° 45' 20" W, 47.68 feet; Thence N 23° 21' 53" W, 125.40 feet; Thence N 24° 47' 59" W, 95.52 feet; Thence N 18° 47' 27" W, 30.00 feet; Thence N 16° 12' 05" E, 61.03 feet; Thence N 40° 35' 32" W, 107.70 feet; Thence N 11° 40' 11" W, 98.75 feet; Thence N 20° 44' 52" E, 75.25 feet; Thence S 68° 47' 12" E, 73.68 feet; Thence N 21° 12' 53" E, 62.05 feet; Thence S 90° 00' 00" E, 29.70 feet; Thence N 0° 00' 00" E, 87.43 feet; Thence S 90° 00' 00" E, 181.00 feet; Thence N 0° 04' 00" W, 77.90 feet to a point on the south line of a tract of land as recorded in book no. 691 at page no. 299; Thence along said south line S 89° 55' 56" W, 173.35 feet to the northeast corner of a tract of land as recorded in book no. 677 at page no. 395; Thence along the north line of said tract, S 64° 38' 07" W, 81.56 feet; Thence leaving said north line, S 25° 27' 49" W, 201.56 feet to the beginning of a curve concave to the southeast having a central angle of 44° 15' 16" and a radius of 170.00 feet; Thence along said curve in a southwesterly and southeasterly direction, 131.31 feet; Thence S 18° 47' 27" E, 460.21 feet; Thence S 21° 17' 45" E, 526.95 feet to the point of beginning, containing 2.07 acres more or less. (90,353 square feet)

**TEMPORARY CONSTRUCTION EASEMENT 2**

**TRACT NO. 4**

**MISSOURI VETERANS HOME**

**PERTAINING TO TRACTS RECORDED IN BOOK NO. 452 - PAGE 71 AND BOOK NO. 677 - PAGE 395**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89° 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21° 17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the land records of the County Recorder's Office, said point being 130.00 feet easterly of and normal to the centerline of Interstate Route 55, station 1051+61.04; Thence N 21° 17' 45" W, 561.05 feet to a point being 130.00 feet easterly of and normal to the centerline of Interstate Route 55, station 1046+00.00; Thence N 18° 47' 27" W, 461.53 feet to a point being 150.17 feet easterly of and normal to the centerline of Interstate Route 55, station 1041+38.91, said point being the beginning of curve concave to the southeast having a central angle of 44° 15' 16" and a radius of 230.00 feet and being the TRUE POINT OF BEGINNING;

Thence leaving said right of way line and along said curve in northwesterly and northeasterly direction, 177.65 feet; Thence N 25° 27' 49" E, 127.92 feet to a point on the north line of a tract of land as recorded in book no. 677 at page no. 395; Thence along said north line, S 64° 38' 07" W, 71.24 feet; Thence leaving said north line, S 25° 27' 49" W, 5.33 feet; Thence S 05° 42' 42" W, 113.00 feet; Thence S 29° 40' 55" W, 44.31 feet to the east right of way line of Interstate Route 55; Thence along said right of way line, S 18° 47' 27" E, 107.95 feet to the point of beginning, containing 0.13 acres, more or less. (5,743 square feet)

#### **TEMPORARY CONSTRUCTION EASEMENT 3**

##### **TRACT NO. 4**

##### **MISSOURI VETERANS HOME**

##### **PERTAINING TO TRACT RECORDED IN BOOK NO. 452 - PAGE 71**

**A PART OF THE NORTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a point on the south right of way line of U.S. Route 61, said point being 275.00 feet southwesterly of and normal to the centerline of the north bound lane of U.S. Route 61, station 911+51.76, said point also being at the intersection of said right of way line and the east line of a tract of land as recorded in the land records of the County Recorder's Office in book no. 630 at page no. 151, Thence along said south right of way line, S 58° 54' 45" E, 11.58 feet to the TRUE POINT OF BEGINNING;

Thence continuing along said south right of way line, S 58° 54' 45" E, 60.00 feet; Thence leaving said right of way line, S 31° 05' 15" W, 140.00 feet; Thence N 58° 54' 45" W, 60.00 feet; Thence N 31° 05' 15" E, 140.00 feet to the point of beginning, containing 0.19 acres more or less. (8,400 square feet)

3. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the time, place, and terms of the conveyance.

4. The attorney general shall approve as to form the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Missouri Lottery Headquarters, Jefferson City, Cole County, Missouri, to owners of certain private property for the purpose of vacating an easement more particularly described as follows:

Part of the Northwest quarter of Section 24, Township 44 North, Range 12 West, in the City of Jefferson, Missouri, more particularly described as follows: From the southwest corner of the Northwest quarter of the Northwest quarter of said Section 24; thence South 88 degrees 30 minutes 55 seconds east, 855.87 feet, to an old iron bar in the northwesterly right-of-way line of U.S. Highway No. 54; thence along said northwesterly right-of-way line, North 45 degrees 31 minutes 05 seconds east, 497.73 feet, to an old iron rod, at the most southerly corner of a tract conveyed to the owners of certain private property, by deed of record in Book 242, page 624, Cole County Recorder's Office; thence continuing along the northwesterly right-of-way line of said Highway No. 54, North 45 degrees 31 minutes 05 seconds east, 96.80 feet, to a right-of-way marker; thence North 28 degrees 16 minutes 17 seconds east, 16.15 feet, to the beginning point of this easement; thence continuing along said northwesterly right-of-way line, North 28 degrees 16 minutes 17 seconds east, 30.00 feet, to a point; thence North 61 degrees 43 minutes 43 seconds west, 178.29 feet, to a point; thence North 28 degrees 16 minutes 17 seconds east, 85.00 feet, to a point on the northeasterly line of the said private property owner tract; thence North 61 degrees 43 minutes 43 seconds west, along the said northeasterly line of the private property owner tract, 15.00 feet; to the most northerly corner of said tract; thence South 28 degrees 16 minutes 17 seconds west, along the northwesterly line of said private property owner tract, 115

feet; thence South 61 degrees 43 minutes 43 seconds east, 193.29 feet, to the beginning point of this easement.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

**Section 4.** 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey, remise, release and forever quitclaim all interest in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of facilities management, design and construction of the office of administration pursuant to this section. For the purposes of this section, the property to be conveyed, known as the Church Farm Bottoms, is a tract of land in Cole County (approximately eleven hundred acres) lying between the Union Pacific Railroad Lines to the south and the Missouri River to the north.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

**Section 5.** 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Western Missouri Mental Health Center in Kansas City, Jackson County, more particularly described as follows:

**TRACT 115**

**DESCRIPTION:**

A tract of land being all of Lots 1-13 and the north 15 feet of Lot 14 inclusive of Block 7, ELM GROVE ADDITION, a subdivision in the Northeast Quarter (NE1/4) of Section 8, Township 49, Range 33 in Kansas City, Jackson County, Missouri, more particularly described as follows:

Beginning at the East Quarter (E1/4) Corner of Section 8; thence North 02°42'55" East, a distance of 452.15 feet perpendicular to the proposed centerline of 22nd Street; thence North 87°17'05" West along said centerline, a distance of 567.58 feet; thence North 02°42'55" East, a distance of 20.00 feet to the southeast corner of Lot 15 of Block 7; thence North 02°23'59" East along the east line of said Lots 15 and 14, a distance of 35.00 feet to the Point of Beginning; thence North 87°15'03" West parallel to the south line of said Lot 14, a distance of 160.00 feet to a point on the west line of said lot; thence North 02°23'59" East along the west line of Lots 14-1 inclusive, a distance of 345.00 feet to the north line of Lot 1; thence South 87°15'03" East along the north line of Lot 1, a distance of 160.00 feet to a point on the east line of said lot; thence South 02°23'59" West along the east line of said Lots 1-14 inclusive, a distance of 345.00 feet to the Point of Beginning. The above described tract of land contains 55,199.48 square feet, more or less.

**TRACT 117**

**DESCRIPTION:**

A tract of land being the north 15 feet of Lot 17 and all of Lots 18-21 inclusive of ELM GROVE ADDITION, a subdivision in the Northeast Quarter (NE1/4) of Section 8, Township 49, Range 33 in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the East Quarter Corner of Section 8; thence North 02°42'55" East, a distance of 452.15 feet perpendicular to the proposed centerline of 22nd Street; thence North 87°17'05" West along said centerline, a distance of 392.91 feet; thence North 02°42'55" East, a distance of 19.89 feet to the southeast corner of said Lot 16; thence North 02°23'59" East along the east line of said Lots 16 and 17, a distance of 35.00 feet to the Point of Beginning; thence North 87°15'03" West parallel to the south line of said Lot 17, a distance of 159.68 feet to a point on the west line

of Lot 17; thence North 02°23'59" East along the west line of said Lots 17-21 inclusive, a distance of 115.00 feet to the northwest corner of Lot 21; thence South 87°15'03" East along the north line of said lot, a distance of 159.68 feet to the northeast corner of said lot; thence South 02°23'59" West along the east line of said Lots 21-17 inclusive, a distance of 115.00 feet to the Point of Beginning. The above described tract of land contains 18,363.15 square feet, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

Section 6. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the South East Missouri Mental Health Center located in Farmington, St. Francois County, more particularly described as follows:

A tract of land located in the City of Farmington, County of St. Francois and the state of Missouri, lying in a part of Lots 76, 77, and 80 of F.W. Rohland Subdivision of United States Survey 2969, a Subdivision files for record in Deed Book F at Page 441 of the Land records of St. Francois County, Missouri, described as follows, to-wit:

Commencing at a found No. 5 rebar marking the Northwest corner of Lot 62 of said F.W. Rohland Subdivision; thence South 36°46'10" West 1905.10' to a found right-of-way marker on the South right-of-way of Columbia Street (Missouri Highway 221) and the Northwest corner of the United States Army Reserve Center, the POINT OF BEGINNING of the tract herein described: thence along the West line of said Army Reserve Center South 24°38'52" East 498.03' to a found No. 5 rebar marking the Southwest corner of said Army Reserve Center; thence South 16°01'44" West 238.03' to a point, thence South 25°42'29" West 2024.68' to a point; thence North 81°56'11" West 30.03' to a point on the East right-of-way of U.S. Highway 67; thence along said East right-of-way of said Highway 67 North 03°47'30" East 36.31' to a point; thence continuing along said East right-of-way North 14°42'22" East 131.51' to a point; thence continuing along said East right-of-way 03°26'38" West 201.66' to a found right-of-way marker; thence continuing along said East right-of-way North 03°45'45" East 952.18' to a point; thence continuing along said East right-of-way North 12°19'49" East 961.53' to a found right-of-way marker on the East right-of-way of U.S. Highway 72 and the South right-of-way of Columbia Street (Missouri Highway 221); thence along said South right-of-way North 40°51'00" East 127.36' to a found right-of-way marker; thence continuing along said South right-of-way North 59°52'29" East 300.57' to the point of beginning. Containing 23.96 acres, more or less. Being part of Deed Book 343 at Page 441.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

Section 7. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the New Ballwin Mental Health Group Home located in St. Louis County, more particularly described as follows:

Parcel 1:

A tract of land in the Southwest 1/4 of Northeast 1/4 of Section 10, Township 44 North, Range 4 East in St. Louis County, Missouri, and described as: Beginning at intersection of the North line of Southwest 1/4 of Northeast 1/4 of Section 10 and the East line of New Ballwin Road, 80 feet wide, thence along the East line of New Ballwin Road, South 0 degrees 30 minutes West 234.58 feet to a point; thence South 90 degrees 00 minutes East 340 feet to a point; thence North 0 degrees 00 minutes East 183 feet to a point; thence South 90 degrees 00 minutes East 213 feet to a point; thence South 0 degrees 00 minutes West 348 feet, more or less to a point in the centerline of a creek, thence following the centerline of said creek in a Southeast direction to its

intersection with the East line of said Southwest 1/4 of Northeast 1/4, thence North 0 degrees 32 minutes 20 seconds East 717 feet to the Northeast corner of said Southwest 1/4 of Northeast 1/4, thence West along the North line of said Southwest 1/4 of Northeast 1/4, North 89 degrees 23 minutes West 1307.10 feet to a point of beginning, according to Survey executed by Clayton Surveying & Engineering Company on March 8, 1971.

**Parcel 2:**

A tract of land in the Southwest 1/4 of the Northeast 1/4 of Section 10, Township 44 North, Range 4 East, St. Louis County, Missouri and described as follows: Commencing at a point in the centerline of New Ballwin, 80 feet wide Road, said point being distant South 0 degrees 30 minutes West 235.00 feet from the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 10; thence leaving said point and running South 90 degrees 00 minutes East, 354.00 feet to the point of beginning of the herein described tract of land, said point also being the centerline of a creek as located by Rowland Surveying Company, Inc., December 11, 1969; thence continuing South 90 degrees 00 minutes East 26.00 feet to a point; thence North 0 degrees 00 minutes East, 183.00 feet to a point; thence South 90 degrees 00 minutes East 213.00 feet to a point; thence South 0 degrees 00 minutes West, 348 feet, more or less to a point in the centerline of the aforementioned creek; thence along the centerline meanders of said creek Westwardly; Northwardly and Northwestwardly to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

Section 8. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Warden's Residence at the Boonville Correctional Center located in Boonville, Cooper County, more particularly described as follows:

A tract of land in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 36, T49N, R17W, Cooper County, Missouri, being more particularly described as follows:

Starting at the Northwest Corner of Section 36, T49N, R17W; thence N86°-46'-30"E, along the North Line of said Section, 675.61 feet to the northerly extension of the West Line of the Boonville Correctional Facility; thence S2°-32'-35"W, along said line extended, 40.57 feet to the South right-of-way line of Morgan Street and the point of beginning.

From the point of beginning, N88°-13'-15"E, along said right-of-way line, 409.00 feet; thence S4°-03'-10"W 385.00 feet; thence S88°-05'-30"W 398.90 feet to the West Line of said facility as established per surveys recorded in Surveyor's Record Book 8, Page 108 and Page 199; thence N2°-32'-35"E, along said West Line, 385.00 feet to the point of beginning and containing 3.56 acres.

This tract is subject to easements and restrictions of record.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

Section 9. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Franklin County, Missouri, more particularly described as follows:

Tract No. 500

A tract of land situated in the County of Franklin, State of Missouri, being part of the southeast quarter of section 7, and the northwest quarter of the southwest quarter of section 8, township 42 north, range 2 west of the 5th principal meridian, and being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the southwest quarter of section 8, township 42 north, range 2 west of the 5th principal meridian; thence Westwardly, to the southwest corner of the northeast quarter of the southeast quarter of section 7, township 42 north, range 2 west of the 5th principal meridian; thence Southwardly, to the southeast corner of the southwest quarter of the southeast quarter of section 7; thence westwardly along the south line of the southeast quarter, to a point which lies eastwardly, 631.0 feet from the southwest corner of the southeast quarter of section 7; thence north 7°00' west to a point of the centerline of the abandoned "Old Public Road;" thence north 41°30' east along the above mentioned centerline, to the south line of the northeast quarter of section 7; thence Eastwardly, to the northeast corner of the northwest quarter of the southwest quarter of the above mentioned section 8; thence southwardly to the point of beginning.

ALSO:

Beginning at the northwest corner of the southeast quarter of the southeast quarter of the above mentioned section, township 42 north, range 2 west of the 5th principal meridian; thence Southwardly, 528.0 feet along the west line of the southeast quarter of the southeast quarter of section 7; thence North 70°00' east, 305.0 feet to a point; thence North 88°30' east, 183.0 feet to a point; thence North 77°45' east, 195.0 feet to a point; thence North 53°30' east, 442.0 feet to a point, thence North 55°00' east to a point on the north line of the southeast quarter of the southeast quarter of section 7; thence Westwardly to the point of beginning, in all, containing 112.50 acres, more or less.

Tract No. 605

A tract of land situated in the County of Franklin, State of Missouri, being part of the north half of the northeast fractional quarter, and part of the southeast fractional quarter of the northeast fractional quarter of section 18, township 42 north, range 2 west of the 5th principal meridian, and being more particularly described as follows; all bearings being referred to grid north:

Beginning at the southwest corner of the northwest quarter of the northeast quarter of section 18, township 42 north, range 2 west of the 5th principal meridian; thence Northwardly to a point on the west line of the northwest quarter of the northeast quarter of section 18 which lies southwardly, 660.0 feet from the northwest corner of the northwest quarter of the northeast quarter; thence Northeastwardly to a point on the north line of section 18 which lies eastwardly 818.4 feet from the northwest corner of the northwest quarter of the northeast quarter of section 18; thence Eastwardly along the north line of section 18, to a point in the middle of the Bourbeuse River; thence Southeastwardly along the middle of the Bourbeuse River to a point on the east line of the northeast quarter of section 18; thence Southwardly, along the east line of the northeast quarter of section 18 to a point on the northwesterly boundary line of United States Survey No. 3129, thence Southwestwardly, along the above mentioned boundary line of Survey No. 3129 to a point on the west line of the southeast quarter of the northeast quarter of section 18; thence Northwardly, to the southeast corner of the northwest quarter of the northeast quarter of section 18; thence Westwardly, to the point of beginning, containing 93.00 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.



**Section 10. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Sunrise State School in Marshfield, Webster County, more particularly described as follows:**

**The North two hundred, forty feet (240 ft.) of Lot 4, of Block 3 of Shook Addition to the City of Marshfield, Missouri, Webster County, Missouri, according to the plat filed at Plat Book 4 and Page 48 of the records of the Recorder of Deeds of Webster County, Missouri.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.**

**Section 11. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim any or all interest of the state of Missouri in real property located at the Nevada Habilitation Center, as specifically described herein. The authorization includes the lease-purchase of one portion and sale of the remainder of the property, in the Northwest 1/4 of Section 33, Township 36 North, Range 31 West of the 5th P.M. in Nevada, Missouri, Vernon County, more particularly described as follows:**

**Beginning at the Northwest corner of said Northwest 1/4; thence S88°18'28"E along the North line of said Northwest 1/4, a distance of 2629.18 feet to the Northeast Corner of said Northwest 1/4; thence S02°13'14"W along East line of said Northwest 1/4, a distance of 1219.36 feet; thence N88°36'07"W a distance of 823.82 feet; thence N02°14'03"E a distance of 580.95 feet; thence N88°18'28"W a distance of 519.23 feet to the Westerly Right of Way line of State Highway "W"; thence S02°12'02"W along said Right of Way line, a distance of 135.07 feet; thence N88°18'28"W a distance of 521.65 feet; thence S02°21'48"W a distance of 388.33 feet; thence N88°18'28"W a distance of 766.97 feet to the West line of said Northwest 1/4; thence N02°21'48"E along said West line, a distance of 1166.06 feet returning to the Point of Beginning. Having an Area of 60.58 acres.**

**Subject to road right of ways and easements, public and private, as may now be located.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.**

**Section B. Because immediate action is necessary to generate revenue from the sale of state property, the enactment of sections 1 to 11 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 1 to 11 of this act shall be in full force and effect upon its passage and approval."**

**Emergency clause adopted.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in HCS SB 791, as amended, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.**

### **THIRD READING OF SENATE BILLS**

**HCS SB 981, relating to sales taxes, was taken up by Representative Sutherland.**

**Representative Sutherland offered House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 981, Section A, Page 1, Line 3, by inserting after all of said section the following:

**“32.070. 1. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.**

**2. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.**

**3. The director of the department of revenue or the director's designee may represent this state before the other states that are signatories to the streamlined sales and use tax agreement.**

**4. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2012, shall be invalid and void.**

**32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks.**

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] 17 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285, RSMo, shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

[6.] 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] 6. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] 7. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, RSMo, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] 8. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525, RSMo, for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12.] 11. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be [deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works] **sourced as provided by sections 144.1034 and 144.1037.**

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

[13.] 12. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] 13. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] 14. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed

accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

**18. If the boundaries of a city in which a sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law shall be effective in the added territory or abolished in the detached territory on the first day of the second calendar quarter after the director of revenue receives notice of the boundary change.**

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.510, RSMo, for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer.] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under section 67.571 to 67.577.**

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the

public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

"Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax.** If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved.** The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

67.671. 1. The governing body of any county, except first class counties other than first class counties without charter form of government not adjoining any other first class county unless such first class county contains part of a city with a population over four hundred and fifty thousand, and except as otherwise provided in subsection 4 or subsection 7 of this section may, by a majority vote, impose a tourism sales tax throughout or in any portion of the county for the promotion of tourism as provided in this act, but such tax shall not become effective unless the governing body of the county submits to the voters of the county, at a public election, a proposal to authorize the county to impose a tax under the provisions of sections 67.671 to 67.685.

2. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (Insert the name of the county) impose a tourism sales tax of .....  
(Insert rate of percent) percent in certain areas of the county?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall be in effect **on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax.** If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax authorized by sections 67.671 to 67.685, unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax, and such proposal is approved by a majority of the qualified voters voting thereon.

3. Except as otherwise provided in subsection 4 or subsection 7 of this section, the tourism tax may be imposed at a rate of not more than seven-eighths of one percent on the receipts from the sale at retail of certain tangible personal property or taxable services within that part of the county for which such tax has been adopted, as specified in section 67.674.

4. The governing body of any third class county which adjoins the Mississippi River and which also adjoins one or more first class counties without a charter form of government and which has a population of not more than sixteen thousand inhabitants according to the 1980 decennial census may, by a majority vote, impose:

(1) A tourism [sales] tax on the [sale] **gross receipts** of all food and beverages sold for consumption on the premises of all restaurants, bars, taverns, or other establishments which are primarily used to provide food and beverage services;

- (2) A tourism [sales] tax upon the rent or lease charges paid by transient guests of hotels, motels, condominiums, houseboats, and space rented in campgrounds;
- (3) Or both.

The tax may be imposed throughout or in any portion of the county for the promotion of tourism as provided in sections 67.671 to 67.685 but such tax shall not become effective unless the governing body of the county submits to the voters of the county, at a public election, a proposal to authorize the county to impose the tax.

5. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (Insert name of county) impose a tourism [sales] tax of ..... (Insert rate of percent) percent on the sale or rental of ..... (Insert type of property or service) in certain areas of the county?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax, and such proposal is approved by a majority of the qualified voters voting thereon. The tourism tax may be imposed at a rate of not more than two percent on the receipts from the sale or rental at retail of certain tangible personal property or taxable services as provided in this subsection within that part of the county for which such tax has been adopted.

6. Within ten days after a vote in favor of the adoption of a tourism [sales] tax by the voters of any such county, the governing body of the county shall make its order imposing the tax. The tax shall become effective on the first day of the [first] **second** calendar quarter after [such order is made; provided that in any first class county with a population of at least eighty thousand but less than one hundred thousand, the tax shall become effective on the first day of the first month which begins more than thirty days after such order is made, and such tax shall be collected by the department of revenue in the same manner as prescribed in section 32.087, RSMo, except as otherwise provided in this section] **the director of revenue receives notification of adoption of such tax.**

7. In any county which has any part of a Corps of Engineers lake with a shoreline of at least eight hundred miles and not exceeding a shoreline of nine hundred miles, the tourism tax may be imposed at a rate of not more than two percent on the receipts from the sale at retail of certain tangible personal property or taxable services, subject to tax pursuant to chapter 144, RSMo, within that portion of the county for which such tax has been adopted. All areas in such county imposing a tourism tax eligible to do so under the provisions of this section shall be contiguous with all other areas which adopt the tax.

8. All tourism [sales] tax collected pursuant to subsection [7] **4** of this section shall be collected and administered by the county collector as provided in section 67.680 and deposited in the "County Advertising and Tourism Sales Tax Trust Fund" created in such section.

**9. All tourism tax collected pursuant to subsection 7 of this section shall be collected and administered as provided in subsection 6 of this section and deposited by the county in the county advertising and tourism sales tax trust fund created in such section.**

67.678. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.671 to 67.685:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.671 to 67.685, except as modified in sections 67.671 to 67.685;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by sections 67.671 to 67.685.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.671 to 67.685, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.671 to 67.685.

3. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under that act are hereby allowed and made applicable to any taxes collected under the provisions of sections 67.671 to 67.685.



4. The penalties provided in sections 32.057 and 144.010 to 144.510, RSMo, for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.671 to 67.685.

[5. For the purposes of the tourism sales tax imposed by an order pursuant to sections 67.671 to 67.685, all retail sales shall be deemed to be consummated at the place of business of the retailer.]

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city or county) impose a sales tax at a rate of ..... (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter [following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal] **after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting on the question are opposed, then the tax shall not become effective unless the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. No proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.**

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;

(7) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

**5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts**

deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county.

At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city or county) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain

effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] **10.** Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

**11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

**12. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors [and sales to or by public utilities and providers of communications, cable, or video services]. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

**5.] After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

[6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7.] 6. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, RSMo, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

**10. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, RSMo, sales of] new or used motor vehicles[, trailers, boats, or other outboard motors, all utilities, telephone and wireless services, and sales of funeral services], made **on or after January 1, 2012**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115, RSMo.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of ..... (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. Whenever not less than fifty owners of real property located within any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, or any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, or any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, or any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants, or any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants, or any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants, or any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, or any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants, or any county of the first classification with more than two hundred forty thousand three hundred but less

than two hundred forty thousand four hundred inhabitants, desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

- (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and
- (3) The name of the proposed district.

3. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

4. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

- (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;
- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

5. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

6. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the ..... (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of ..... (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county that is part of the proposed district on the first day of the [first] **second** calendar quarter [immediately following the election] **after the director of revenue receives notification of adoption of the local sales tax**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon.

However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

7. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that

county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

8. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

9. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

10. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

11. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

[11.] 12. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the ..... (name of district) extend the sales tax of one-fourth of one percent for a period of ..... (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[12.] 13. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[13.] 14. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

"Shall the city of ..... (city's name) impose a citywide sales tax of ..... (insert amount) for the purpose of promoting tourism in the city?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the [first] **second** calendar quarter immediately [following notification to] **after** the director of the department of revenue [of the election approving the proposal] **receives notification of adoption of the local sales tax**. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**



[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall ..... (insert name of city) repeal the sales tax of ..... (insert rate of percent) percent for tourism purposes now in effect in ..... (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication

of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective on the first day of the [first] **second** calendar quarter [immediately following the action by the district board of directors imposing the tax] **after the director of revenue receives notification of adoption of the local sales tax.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170, RSMo.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those

subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall ..... (name of district) increase the ..... (insert amount) percent district sales tax now in effect to ..... (insert amount) in the ..... (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **on the first day of the second calendar quarter after the director of revenue receives notification of the local sales tax increase.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall ..... (name of district) dissolve and repeal the ..... (insert amount) percent district sales tax now in effect in the ..... (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall

submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the ..... theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located.

Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

**11. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.”; and**

Further amend said bill, Section 94.577, Page 9, Line 224, by inserting after all of said section the following:

“94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a sales tax at a rate of ..... (insert rate of percent) percent for a capital improvements purposes in the city's center city for a period of ..... (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are

opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 and 32.087**, RSMo. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

**7. Except as provided in this section, all provisions of sections 32.085 and 32.087 apply to the sales tax imposed under this section.**

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, RSMo, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957, RSMo. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term

is defined under sections 99.805 and 99.918, RSMo, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957, RSMo.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of .....(county's or city's name) impose a county/city-wide sales tax of.....percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the [next] **second** calendar quarter beginning after [its adoption and notice to] the director of revenue[, but no sooner than thirty days after such adoption and notice] **receives notice of adoption of the local sales tax**. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected



after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of ..... (city's name) impose a sales tax of ..... (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of ..... (city's name) issue bonds in the amount of ..... (insert amount) for transportation purposes and impose a sales tax of ..... (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired.

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 **and sections 144.1025 to 144.1076** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) **"Agreement", the streamlined sales and use tax agreement, as amended from time to time;**

(2) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

[(2)] (3) **"Advertising and promotional direct mail", printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;**

(4) **"Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;**

(5) **"Alcoholic beverages", beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;**

(6) **"Ancillary services", services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services;**

(7) **"Bundled transaction", the retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one non-itemized price. A "bundled transaction" shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction. As used in this subdivision, the term "distinct and identifiable products" shall not include:**

(a) Packaging, such as containers, boxes, sacks, bags, bottles, wrapping, labels, tags, instruction guides, or other materials that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

(b) A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

(c) Items included in the definition of the term "sales price". As used in this subdivision, the term "one non-itemized price" shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form including, but not limited to, an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

a. A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service and is provided exclusively in connection with the service and the true object of the transaction is the service; or

b. A retail sale of services where one service is provided that is essential to the use of receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

c. A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis. "De minimis" means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

Sellers shall use the sales price of the products to determine if the taxable products are de minimis. Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

d. A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction included food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property;

(8) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (9) "Call-by-call basis", any method of charging for telecommunications services where the price is measured by individual calls;

(10) "Certified automated system" or "CAS", software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(11) "Certified service provider" or "CSP", an agent certified under the streamlined sales and use tax agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(12) "Communications channel", a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(13) "Computer software", a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task;

(14) "Customer", the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this subdivision only applies to the purpose of sourcing sales of telecommunications under chapter 314. "Customer" shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;

(15) "Customer channel termination point", the location where the customer either inputs or receives the communication;

(16) "Delivered electronically", delivered to the purchaser by means other than tangible storage media;

(17) "Delivery charges", charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(18) "Dietary supplement", any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. Section 101.36;

(19) "Direct mail", printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. The term "direct mail" shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" shall not include multiple items of printed material delivered to a single address;

(20) "Drug", a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

(a) Recognized in the official United State Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(c) Intended to affect the structure or any function of the body;

(21) "Durable medical equipment", equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Oxygen delivery equipment not worn in or on the body, including repair and replacement parts;

b. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

c. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, the term "repair and replacement parts" shall include all components or attachments used in conjunction with the durable medical equipment;

(22) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(23) "End user", the person who utilizes the telecommunication service. In case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

(24) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" shall not include alcoholic beverages, tobacco, or dietary supplements;

(25) "Food sold through vending machines", food dispensed from a machine or other mechanical device that accepts payment;

(26) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter-drugs;

(27) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter-drugs;

(28) "Gross receipts" or "sales price", except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

(a) The seller's cost of the property sold;

(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

- (d) Delivery charges;
- (e) Installation charges; and
- (f) Credit for any trade-in, as determined by state law;

(29) "Home service provider", the same as that term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(30) "Lease or rental", any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend. The term "lease or rental" shall not include:

(a) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;

(d) Agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. 7701(h)(1), as amended;

[4.] (31) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, RSMo, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(5)] (32) "Load and leave", delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(33) "Mobile telecommunications service", the same as that term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(34) "Mobility enhancing equipment", equipment, including repair and replacement parts to same, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and

(b) Is not generally used by persons with normal mobility; and

(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

The term "mobility enhancement equipment" shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(35) "Model 1 seller", a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(36) "Model 2 seller", a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(37) "Model 3 seller", a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(38) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[6.] (39) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. The term "other direct mail" shall include, but not be limited to:

(a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;

(b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

The term "other direct mail" shall not include the development of billing information or the provision or any data processing service that is more than incidental;

(40) "Over-the-counter-drug", a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 C.F.R. Section 201.66 and includes:

(a) A drug facts panel; or

(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(41) "Person" [includes], any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

[7.] (42) "Place of primary use", the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In Streamlined Sales and Use Tax Agreement, Page 29, January 13, 2006, the case of mobile telecommunications services, place of primary use must be within the licensed service area of the home service provider;

(43) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(44) "Prepaid calling service", the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(45) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize mobile wireless services as well as other non-telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(46) "Prepared food", food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. "Prepared food" shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(47) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(48) "Prewritten computer software", computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(49) "Private communication service", a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(50) "Product-based exemption", an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(51) "Product which is intended to be sold ultimately for final use or consumption", tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(52) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(53) "Purchase price", applies to the measure subject to use tax and has the same meaning as sales price;

(54) "Purchaser" [means], a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

[(8)] (55) "Receive" or "receipt", taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. The terms "receive" and "receipt" shall not include possession by a shipping company on behalf of the purchaser;

(56) "Research or experimentation activities" [are], the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(9)] "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(10)] (57) "Sale at retail" [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property], **any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

**(58) "Sales price", applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

- (a) The seller's cost of the property sold;**
- (b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;**
- (c) Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;**
- (d) Delivery charges;**
- (e) Installation charges; or**
- (f) Credit for any trade-in, as determined by state law;**

[(11)] **(59) "Seller"** means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

[(12)] **(60) "Service address", the location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid. If the location the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates is not known, the service address shall be the location of the customer's place of primary use;**

**(61) "Tangible personal property", personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. "Tangible personal property" shall include electricity, water, gas, steam, and prewritten computer software;**

**(62) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;**

[(13)] **(63) "Telecommunications service", [for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:**

- (a) Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;**
- (b) Answering services and one-way paging services;**
- (c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or**
- (d) Cable or satellite television or music services; and**

**(14) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.] the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term "telecommunications service" shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "Telecommunications service" shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service. "Telecommunications service" shall not include:**

- (a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;**
- (b) Installation or maintenance of wiring or equipment on a customer's premises;**
- (c) Tangible personal property;**



- (d) Advertising, including but not limited to directory advertising;
  - (e) Billing and collection services provided to third parties;
  - (f) Internet access service;
  - (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;
  - (h) Ancillary services; or
  - (i) Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;
  - (64) "Transportation equipment", any of the following:
    - (a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;
    - (b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semi-trailers, or passenger buses that are:
      - a. Registered through the International Registration Plan; and
      - b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;
      - c. Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;
    - (c) Containers designed for use on and component parts attached or secured on the items set forth in subparagraphs a. to c. of paragraph (b) of this subdivision;
  - (65) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.
2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010, RSMo.
3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section, except for vending machine sales, the term "food" shall not include food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.”; and

Further amend said bill, Section 144.030, Pages 13-14, Lines 103-117, by deleting all of said lines and inserting in lieu thereof the following:

“(18) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental

disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities] **drugs, durable medical equipment, prosthetic devices, and mobility enhancing equipment;**” and

Further amend said bill, Section 144.030, Page 18, Line 271, by inserting after all of said section the following:

“144.049. 1. For purposes of this section, the following terms mean:

(1) "Clothing", [any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and] **all human wearing apparel suitable for general use. "Clothing" shall not include:**

- (a) Belt buckles sold separately;
- (b) Costume masks sold separately;
- (c) Patches and emblems sold separately;
- (d) Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and
- (e) Sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers;

(2) ["Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3)] "School supplies", [any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less] **items commonly used by a student in a course of study which shall be limited to: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; expandable, pocket, plastic, and manila folders; glue; paste; paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper; loose leaf ruled notebook paper; copy paper; graph paper; tracing paper; manila paper; colored paper; poster board; construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; prewritten computer software; protractors; scissors; writing tablets; school art supplies; school instructional materials; and school computer supplies;**

(4) "School art supplies", items commonly used by a student in a course of study for artwork and shall only include:

- (a) Clay and glazes;
- (b) Paints, acrylic, tempera, and oil;
- (c) Paintbrushes for artwork;
- (d) Sketch and drawing pads;
- (e) Watercolors;

(5) "School instructional materials", written materials commonly used by a student in a course of study as a reference and to learn the subject being taught which shall only include:

- (a) Reference books;
- (b) Reference maps and globes;
- (c) Textbooks; and
- (d) Workbooks;

(6) "School computer supplies", items commonly used by a student in a course of study in which a computer is used, which shall be limited to:

- (a) Computer storage media, diskettes, compact disks;
- (b) Handheld electronic schedulers, except devices that are cellular phones;
- (c) Personal digital assistants, except devices that are cellular phones; and

**(d) Computer printers and printer supplies for computers, printer paper, and printer ink.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, and all retail sales of [personal] computers [or computer peripheral devices] not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. [If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] **4.** This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

**144.100. 1.** Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return. **The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state.** With each return, the person shall remit to the director of revenue the full amount of the tax due.

3. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

4. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

5. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

**6. The director of revenue may require any seller to file and remit sales tax electronically through a simplified electronic return.**

**144.105. 1.** The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's

**product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.**

**2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.**

**3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.**

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

144.625. To secure the payment of the tax, interest and penalties, which may become due from a vendor as provided in sections 144.600 to 144.745, the director of revenue may, where necessary to secure the payment of the tax, interest, and penalties require [all vendors] **a vendor** to file a bond or a letter of credit in an amount to be determined by the director, under the same requirements as provided in section 144.087.

144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that

the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. [Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.] **Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.**

6. **The director of revenue may require any seller to file and remit use tax electronically.”; and**

Further amend said bill, Section 144.817, Page 19, Line 18, by inserting after all of said section the following:

**“144.1025. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.**

**2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.**

**3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.**

**4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.**

**144.1028. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.**

**2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.**

**3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.**

**4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database**

records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the director develops address-based assignment database records pursuant to the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records pursuant to this section and meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.A. Section 119(a). If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.1031. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.1040. 1. Notwithstanding provisions of section 144.1037 to the contrary, the following provisions shall apply to sales of advertising and promotional direct mail:

(1) A purchaser of advertising and promotional direct mail may provide the seller with either:

- (a) A direct pay permit;
- (b) An agreement certificate of exemption claiming direct mail, or other written statement approved, authorized, or accepted by the state; or
- (c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients;

(2) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a) or (b) of subdivision (1) of this subsection, the seller, in the absence of bad faith, shall be relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which such permit, certificate, or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due;

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, a seller shall be relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser;

(4) If a purchaser does not provide the seller with any of the items listed in paragraphs (a), (b), or (c) of subdivision (1) of this subsection, the sale shall be sourced according to subdivision (5) of subsection 1 of section 144.1037.

2. Provisions of section 144.1037 to the contrary notwithstanding, the following provisions shall apply to sales of other direct mail:

(1) Sales of other direct mail shall be sourced in accordance with subdivision (3) of subsection 1 of section 144.1037;

(2) A purchaser of other direct mail may provide the seller with either:

(a) A direct pay permit; or

(b) An agreement certificate of exemption claiming direct mail or other written statement approved, authorized, or accepted by the state;

(3) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a) or (b) of subdivision (2) of subsection 2 of this section, the seller, in the absence of bad faith, shall be relieved of all obligations to collect, pay, or remit any tax on any transaction involving other direct mail to which the permit, certificate, or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

3. (1) The provisions of this section shall apply to any transaction characterized under the laws of this state as the sale of services only if such service is an integral part of the production and distribution of printed material that meets the definition of direct mail. This section shall not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section shall apply, only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall be construed to limit any purchaser's:

(a) Obligation for sales or use tax to any state to which the direct mail is delivered;

(b) Right under local, state, federal, or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section shall apply for purposes of uniformly sourcing direct mail transactions and shall not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

4. Notwithstanding subsections 1, 2, and 3 of this section, all direct mail delivered or distributed from a location within the state and delivered or distributed to a location within the state shall be sourced as follows:

(1) If the purchaser provides the seller with a direct pay permit or an agreement certificate of exemption claiming direct mail, or other written statement approved, authorized, or accepted by the director, the seller, in the absence of bad faith, shall be relieved of all obligations to collect, pay, or remit the applicable tax on any transaction involving direct mail. The purchaser shall report and pay any applicable tax due. An agreement certificate of exemption claiming direct mail shall remain in effect for all future sales of direct mail by the seller to the purchaser until it is revoked in writing;

(2) Except as provided in subdivision (1) of subsection 3 of this section, the seller shall collect the tax according subdivision (5) of subsection 1 of section 144.1037. To the extent the seller knows that a portion of the sale of direct mail will be delivered or distributed to a location in another state, the seller shall collect the tax on that portion according to subsections 1, 2, and 3 of this section;

(3) Notwithstanding subdivision (2) of subsection 3 of this section, a seller may elect to use the provisions of subsections 1, 2, and 3 of this section to source all sales of advertising and promotional direct mail;

(4) Nothing in this subsection shall be construed to limit a purchaser's obligation for sales or use tax to any state to which the direct mail is delivered, except that a purchaser whose direct mail is sourced under the provisions of subsection 3 of this section shall owe no additional sales or use tax to that state based on where the purchaser uses or delivers the direct mail in the state.

144.1043. 1. The sale of telecommunication service sold on a call-by-call basis shall be sourced to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction or each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. A sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use.

3. Provisions of subsections 1 and 2 of this section to the contrary notwithstanding, the sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service shall be sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by either the seller's telecommunications system or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service shall be sourced in accordance with section 144.1037. Provided however, in the case of a sale of prepaid wireless calling service, the rule provided under subdivision (5) of section 1 of section 144.1037 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service shall be sourced as follows:

(a) Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction shall be sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged shall be sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located;

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of Internet access service shall be sourced to the customer's place of primary use.

5. The sale of an ancillary service shall be sourced to the customer's place of primary use.

144.1046. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use.



(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.1049. 1. Retailers shall make returns to the director at the times prescribed by this section upon forms prescribed and furnished by the director stating:

- (1) The name and address of the retailer;
- (2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;
- (3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;
- (4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;
- (5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;
- (6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;
- (7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed.

The return shall include such other pertinent information as the director may require. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of this subsection in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe. The director of the department of revenue shall promulgate rules establishing a filing schedule for returns made by retailers based upon the liabilities of such retailers. Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director may modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

**144.1052. 1.** The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;
- (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlines sales and use tax governing board.

2. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2012, shall be invalid and void.

**144.1055. 1.** A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

**144.1058. 1.** When the seller is computing the amount of tax owed by the purchaser and remitted to the state:

- (1) Tax computation shall be carried to the third decimal place; and
- (2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The rounding rule may be applied to the aggregated state and local taxes.

**144.1061.** The effective date of state or local sales or use tax rate changes for services covering a period starting before and ending after the statutory effective date shall be as follows:

(1) For a rate increase, the new rate shall apply to the first billing period starting on or after the effective date; and

(2) For a rate decrease, the new rate shall apply to bills rendered on or after the effective date.

**144.1064. 1.** In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(3) The provisions of this section shall apply unless otherwise provided by federal law.

**2.** In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software and the state otherwise has not specifically imposed tax on the retail sale of computer software maintenance contracts, the following provisions apply:

(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the contract shall be characterized as all taxable.

**144.1070. 1.** Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(1) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(2) Amnesty shall be provided if this state joins the agreement after the seller has registered.

**2.** Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

**3.** Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

**4.** Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

**5.** The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

**144.1073. 1.** If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

2. The monetary allowance provided for vendors in subdivisions (2) or (3) of this section shall be in an amount equal to two percent of the taxes collected.

3. Any vendor receiving an allowance under this section shall not be entitled simultaneously to deduct the amount provided for in section 144.140.

**144.1076.** For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, RSMo, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of ..... (counties' names) impose a region-wide sales tax of ..... (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission.

Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance]. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish

appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6)] All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to public utilities]. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

**5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

**6. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the . . . . . Transit Authority impose a countywide sales tax of . . . . . (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this

section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285, RSMo, shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144, RSMo, are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the



tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] **10.** The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

[13.] **12.** In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] **13.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15.] The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] **14.** In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

**15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.**

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body

of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, RSMo, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of ..... impose a sales tax of ..... (insert amount) for the purpose of providing funding for ..... (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220, RSMo.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.”; and

Further amend said bill, Section 2, Page 19, Line 8, by inserting after all of said section the following:

“[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805, RSMo.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

- (1) "Agreement", the streamlined sales and use tax agreement;
- (2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;
- (3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;
- (4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;
- (5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, RSMo, or any other sales tax authorized by statute and levied by this state or its political subdivisions;
- (6) "Seller", any person making sales, leases or rentals of personal property or services;
- (7) "State", any state of the United States and the District of Columbia;
- (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member

appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

- (1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;
- (2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;
- (3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;
- (4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;
- (5) Affects the sourcing of sales tax transactions; or
- (6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

- (1) The agreement should address the limitation of the number of state rates over time;
- (2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;
- (3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;
- (4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;
- (5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:
  - (a) Restricting variances between the state and local tax bases;
  - (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;
  - (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and

(d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]; and

Further amend said bill, Section B, Page 19, Line 1, by inserting immediately after the words, "Section B." the following:

"Section A of this act shall become effective on January 1, 2012.  
Section C. "; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sutherland, **House Amendment No. 1** was adopted.

Representative Sater offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 981, Page 14, Section 144.030, Line 117, by deleting all of said line and inserting in lieu thereof the following:

"nonprescription drugs [to individuals with disabilities] **as prescribed by a practitioner, or any medical equipment, supplies, or devices that are provided to a person on or by the order of a physician, or that are otherwise paid for by a third-party health insurer, Medicare, or Medicaid;**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Sater, **House Amendment No. 2** was adopted.

Representative Schoeller offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 981, Section 1, Page 19, Lines 1-8, by deleting all of said section and inserting in lieu thereof the following:

**"Section 2. Notwithstanding any other provision of law, any tax imposed or collected by any municipality, any county, or any local taxing entity on or related to any transient accommodations, whether imposed as a hotel tax, occupancy tax or otherwise, shall apply solely to amounts actually received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the**

**public. Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public unless such travel agent or intermediary actually operates such a facility. This section shall not apply if the purchaser of such rooms is an entity that is exempt from payment of the tax. This section is intended to clarify that taxes imposed as a hotel tax, occupancy tax, or otherwise shall apply solely to amounts received by operators, as enacted in the statutes authorizing those taxes.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schoeller, **House Amendment No. 3** was adopted.

Representative Jones (89) offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 981, Section 1, Page 19, Line 2, by inserting prior to the phrase: “**sales tax law**” on said line the phrase: “**and state**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (89), **House Amendment No. 4** was adopted.

Representative Ruestman offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 981, Section 144.030, Page 18, Line 271, by inserting after all of said section the following:

**“144.527. 1. In addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under sections 32.085 and 32.087, sections 144.010 to 144.525, sections 144.600 to 144.761, and section 238.235 all sales of farm products sold at a farmers' market within one hundred miles of the vendor's farm where the farm products were grown or produced by any vendor with annual sales of farm products of twenty thousand dollars or less.**

**2. For purposes of this section "farm products" shall mean any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese, and other dairy products, food products of "aquaculture", as defined in subsection 1 of section 277.024, products from any tree, vine, or plant and other flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.**

**3. For purposes of this section "farmers' market" shall mean a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers to sell farm products directly to consumers, and where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ruestman, **House Amendment No. 5** was adopted.

Representative Storch offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 981, Page 10, Section 144.018, Line 41, by inserting after all of said line the following:

“144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, **except that no tax shall be levied and imposed on the amount paid for any amount paid to any yoga studio or other similar facility at which yoga is practiced or taught;**

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in [subdivision (8) of] section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Storch, **House Amendment No. 6** was adopted.

Representative Kelly offered **House Amendment No. 7**.

AMEND House Committee Substitute for Senate Bill No. 981, Section A, Page 1, Line 3, by inserting after all of said section the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;
- (15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- (16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- (17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;
- (18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants.**

**2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and**



Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Skaggs offered **House Substitute Amendment No. 1 for House Amendment No. 7.**

Representative Hobbs raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is out of order pursuant to Rule 46(a).

Representative Icet requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Skaggs offered **House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1  
to  
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Bill No. 981, Page 4, Line 10, by inserting after all of said line the following:

**“(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants.”; and**

Further amend said amendment, Page 4, Line 22, by inserting after all of said line the following:

**“94.832. 1. The governing body of any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of funding tourism and infrastructure improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until**

the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Skaggs, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Kelly, **House Amendment No. 7, as amended**, was adopted.

Representative Nolte offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 981, Section A, Page 1, Line 3, by inserting the following after all of said line:

"67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Facility", a location composed of real estate, buildings, fixtures, machinery, and equipment;
- (2) "Municipality", any county, city, incorporated town, or village of the state;
- (3) "NAICS", the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;
- (4) "Technology business facility", a facility purchased, constructed, extended, or improved under this section, provided that such business facility is engaged in:
  - (a) Data processing, hosting, and related services (NAICS 518210); or
  - (b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;
- (5) "Technology business facility project" or "project", the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility's components of real estate, buildings, fixtures, machinery, and equipment.

2. The governing body of any municipality may:

- (1) Carry out technology business facility projects for economic development under this section;
- (2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and
- (3) Receive gifts and donations from private sources to be used for technology business facility project purposes.

3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as

are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.

4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.

5. Leasehold interests granted and held under this section shall not be subject to property taxes.

6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.

8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost."; and

Further amend said bill, Section 94.577, Page 9, Line 224, by inserting after all of said line the following:

"135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) "Average wage", the new payroll divided by the number of new jobs;

(2) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

(4) "Certified site zone", an area of real property that:

(a) Encompasses not less than fifty acres that has been approved as a certified site by the department;

(b) Has been found to be blighted by the governing authority; and

(c) Is located in one or more census tracts which according to the United States Census Bureau's last decennial census has a poverty rate of fifteen percent or more, or for which the median household income that is less than:

a. Statewide median household income; or

b. The metropolitan median household income for the metropolitan statistical area in which the certified site zone is located;

(5) "Certified site", an area of property designated as a certified site by the department under the certified sites program;

(6) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

[(5)] (7) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of

determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

[(6)] **(8)** "Department", the department of economic development;

[(7)] **(9)** "Director", the director of the department of economic development;

**(10) "Dormant manufacturing plant zone", an area of real property:**

**(a) Encompassing not less than two hundred fifty acres that, within five years of the date of the notice of intent, was predominantly used for manufacturing or assembly and employed not less than three thousand persons but has since ceased all activity;**

**(b) That has been found, by an ordinance adopted by the governing body, to be a blighted area and designated for redevelopment; and**

**(c) That:**

**a. Is located in a census tract with, according to United States Census Bureau's American Community Survey based on the most recent of five-year period estimated data in which the estimate ends in either zero or five, a poverty rate of fifteen percent or more, or the median household income is below the statewide median household income or the metropolitan median household income for the metropolitan statistical area in which the property is located; or**

**b. Involves funding provided by a federal agency of at least one million dollars to facilitate the redevelopment of such property;**

[(8)] **(11)** "Employee", a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

[(9)] **(12)** "Enhanced business enterprise", an industry or one of a cluster of industries that is either:

**(a) Identified by the department as critical to the state's economic security and growth, or in the case of a business enterprise located in a certified site zone, will also include data processing, hosting, and related services (NAICS 518210) and internet publishing, broadcasting, and web search portals (NAICS 519130); or**

**(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved or deemed approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;**

[(10)] **(13)** "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

[(11)] **(14)** "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

[(12)] **(15)** "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

[(13)] **(16)** "Facility base payroll", the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

[(14)] (17) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

[(15)] (18) "Megaproject", any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

[(16)] (19) "NAICS", the [1997] **2007** edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

[(17)] (20) "New business facility", a facility that satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision [(25)] (28) of this section;

[(18)] (21) "New business facility employee", an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 **or section 135.969** is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

[(19)] (22) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by **section 135.967 or 135.969** is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

[(20)] (23) "New job", the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(21)] **(24)** "Notice of intent", a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise's intent to hire new jobs and request benefits under such program;

[(22)] **(25)** "Related facility", a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

[(23)] **(26)** "Related facility base employment", the greater of:

- (a) The number of employees located at all related facilities on the date of the notice of intent; or
- (b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

[(24)] **(27)** "Related taxpayer":

- (a) A corporation, partnership, trust, or association controlled by the taxpayer;
- (b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or
- (c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)] **(28)** "Replacement business facility", a facility otherwise described in subdivision [(17)] **(20)** of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision [(19)] **(22)** of this section, in the new facility during the tax period for which the credits allowed in section 135.967 **or 135.969** are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] **(29)** "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

- (1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and
- (2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

- (a) The state of Missouri over the previous twelve months; or
- (b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

**4. Notwithstanding the requirements of subsection 1 of this section to the contrary, a certified site zone or a dormant manufacturing plant zone may be designated as an enhanced enterprise zone if the certified site zone or dormant manufacturing plant zone meets the criteria set forth in subdivision (4) of section 135.950 or the dormant manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.**

5. In addition to meeting the requirements of subsection 1, 2, 3, or [3] 4 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

135.957. 1. A governing authority planning to seek designation of an enhanced enterprise zone shall establish an enhanced enterprise zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation as an enhanced enterprise zone. One member of the board shall be appointed by other affected taxing districts. The remaining five members shall be chosen by the chief elected official of the county or municipality.

2. The school district member and the affected taxing district member shall each have initial terms of five years. Of the five members appointed by the chief elected official, two shall have initial terms of four years, two shall have initial terms of three years, and one shall have an initial term of two years. Thereafter, members shall serve terms of five years. Each commissioner shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

3. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

4. The members of the board annually shall elect a chair from among the members.

**5. In the case of a certified site zone or a dormant manufacturing plant zone regarding which a finding of blight has been made as provided in subdivision (1) of subsection 1 of section 99.810, the commission created under section 99.820 may, at the sole option of the governing authority, supplant and replace the board established in accordance with subsection 1 of this section, and the composition and organization of such commission shall be in accordance with section 99.820. If the governing authority elects for such commission to serve in the capacity of the enhanced enterprise zone board instead of the board established in accordance with subsection 1 of this section, the commission shall fulfill the duties of the board established under subsection 6 of this section.**

**6. The role of the board or commission, as described in subsection 5 of this section, shall be to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone and any other advisory duties as determined by the governing authority. The role of the board after the designation of an enhanced enterprise zone shall be review and assessment of zone activities as it relates to the annual reports as set forth in section 135.960.**

135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing. **In the alternative, any governing authority that has made the necessary findings by ordinance to designate a certified site zone or a dormant manufacturing plant zone as a blighted area as contemplated under subdivision (1) of subsection 1 of section 99.820, prior to December 31, 2010, shall not be required to conduct an additional public hearing to establish the certified site zone or the dormant manufacturing plant zone as an enhanced enterprise zone so long as the governing authority notified the director of such hearing, at least thirty days prior thereto. Any governing authority that seeks to make the necessary finding to designate a certified site zone or a dormant manufacturing plant zone as an enhanced enterprise zone after December 31, 2010, may do so under a public hearing required under sections 99.820 and 99.825 conducted by the commission, and such public hearing shall satisfy the public hearing requirement set forth in subsection 1 of this section so long as the governing authority shall notify the director of such hearing at least thirty days prior thereto.**

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may file a petition with the department requesting the designation of a specific area as an enhanced enterprise zone. Such petition shall include, in addition to a description of the physical, social, and economic characteristics of the area:

- (1) A plan to provide adequate police protection within the area;
- (2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;
- (3) A description of what other specific actions will be taken to support and encourage private investment within the area;
- (4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;
- (5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;
- (6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and
- (7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall be effective upon such approval **or deemed approval** by the department and shall expire in twenty-five years. **Notwithstanding the requirement of subsection 2 of this section to the contrary, any certified site zone or dormant manufacturing plant zone that has been designated as a blighted redevelopment area as contemplated under subdivision (1) of subsection 1 of section 99.820 by the governing body or any certified site zone or dormant manufacturing plant zone that has been otherwise designated as an enhanced enterprise zone by the governing authority under this section shall be deemed approved and designated as an enhanced enterprise zone without further approval of or additional action being taken by the department. Such approval of the department of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone and the designation of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone shall be deemed effective when the governing authority provides written notice to the department of its intent to establish such enhanced enterprise zone and such notice is accompanied with a petition that includes all of the information required by subsection 2 of this section.**

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.

135.963. 1. Improvements made to real property as such term is defined in section 137.010, RSMo, which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon



approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated **or deemed approved** by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042, RSMo, and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, RSMo, subdivision (2) of subsection 3 of section 99.957, RSMo, or subdivision (2) of subsection 3 of section 99.1042, RSMo, unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027, RSMo.

**8. As applicable, before the provisions of subdivision (7) of subsection 3 of section 137.115 become effective in an enhanced enterprise zone, each local political subdivision that currently levies an ad valorem tax on tangible personal property within the boundaries of the enhanced enterprise zone shall adopt a resolution providing that the provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to tangible personal property in such case.**

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by the department, be allowed a credit, each tax year for up to ten tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. No taxpayer shall receive multiple [ten-year] **five-year** periods for subsequent expansions at the same facility. **Notwithstanding the provisions of this subsection, the provisions of section 135.969 shall govern the issuance of tax credits for a new business facility in a certified site zone or dormant manufacturing plant zone approved and designated as an enhanced enterprise zone, except for the amount of tax credits to be issued with respect to such certified site zone or dormant manufacturing plant zone as provided in subsection 5 of this section.**

2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in an enhanced enterprise zone and is awarded state tax credits under this section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not simultaneously receive tax credits under sections 620.1875 to 620.1890, RSMo, at the same facility.

3. No credit shall be issued pursuant to this section unless:

(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; and

(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds one hundred thousand dollars.

4. The annual amount of credits allowed for an approved enhanced business enterprise shall be the lesser of:

(1) The annual amount authorized by the department for the enhanced business enterprise, which shall be limited to the projected state economic benefit, as determined by the department; or

(2) [The sum calculated based upon] **An amount not to exceed the sum of the following:**

(a) [A credit of four hundred dollars for each new business facility employee employed within an enhanced enterprise zone;

(b) An additional credit of four hundred dollars for each new business facility employee who is a resident of an enhanced enterprise zone] **A tax credit up to five percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to three percent; and**

(b) **A tax credit up to one percent of new business facility investment within an enhanced enterprise zone made during the current taxable year if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to one-half percent;**

(c) An additional credit of four hundred dollars for each new business facility employee who is paid by the enhanced business enterprise a wage that exceeds the average wage paid within the county in which the facility is located, as determined by the department; and

(d) A credit equal to two percent of new business facility investment within an enhanced enterprise zone.

5. Prior to January 1, 2007, in no event shall the department authorize more than four million dollars annually to be issued for all enhanced business enterprises. After December 31, 2006, in no event shall the department authorize more than twenty-four million dollars annually to be issued for all enhanced business enterprises **including any such enhanced business enterprises located in certified site zones or dormant manufacturing plant zones under section 135.969.**

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision [(19)] **(22)** of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950, or subdivision [(25)] **(28)** of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. In the case where a new business facility employee who is a resident of an enhanced enterprise zone for less than a twelve-month period is employed for less than a twelve-month period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section shall be determined by multiplying four hundred dollars by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed,

in which the employee was a resident of an enhanced enterprise zone, and the denominator of which is three hundred sixty-five.

9. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950 or subdivision [(25)] **(28)** of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision [(19)] **(22)** of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

10. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

11. Credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

12. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

13. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

14. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

**135.969. 1. A taxpayer who establishes a new business facility in a certified site zone or a dormant manufacturing plant zone approved or designated as an enhanced enterprise zone shall receive a tax credit each tax year for five tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple five-year periods for subsequent expansions at the same facility.**

**2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in a certified site zone or dormant manufacturing plant zone approved or designated as an enhanced enterprise zone and accepts state tax credits under this section shall not also receive tax credits or other benefits for the same new jobs under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, section 135.967, or sections 620.1875 to 620.1890 unless such benefits are determined to be necessary by the department.**

**3. The taxpayer shall be entitled to receive the tax credit upon satisfaction of one of the following criteria:**

**(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds nine; and**

**(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds five hundred thousand dollars.**

**4. The annual amount of tax credits to be issued for an enhanced business enterprise located in a certified site zone or dormant manufacturing plant zone shall be equal to the lesser of:**

(1) The annual amount of projected state economic benefit for such enhanced business enterprise, as determined by the department; or

(2) An annual amount equal to the sum of the following:

(a) A tax credit equal to seven percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to four percent; and

(b) A tax credit equal to two percent of new business facility investment within an enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to one percent.

5. As set forth in section 135.967, up to twenty-four million dollars of tax credits shall be authorized annually for issuance of tax credits for all enhanced enterprise zones including any tax credits issued with respect to certified site zones and dormant manufacturing plant zones of which ten million shall be used exclusively for tax credits attributable to taxpayers in accordance with this section who establish new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950, provided that for calendar years 2010 and 2011, the ten million dollar limitation may be reduced to equal the balance of tax credits available under the entire program if, as of August 28, 2010, the department has made irrevocable allocations to qualified applicants for tax credits under section 135.967 such that the total of all available tax credit capacity of this program is less than ten million dollars. Beginning January 1, 2011, if no such taxpayer or taxpayers have applied for tax credits attributable to new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950 by November fifteenth of each calendar year for the entire ten million dollars, or such lesser amount as computed for calendar years 2010 and 2011, any remaining tax credits for which an application has not been made will be available for issuance for all enhanced enterprise zones for that calendar year. If a new business facility investment in a certified site zone qualified as such under subdivision (4) of section 135.950 qualifies the taxpayer for tax credits under subsection 4 of this section, in excess of the available annual authorization limit set forth in this subsection, the taxpayer may carry such excess new business facility investment amount forward to subsequent years and such excess shall be treated as a new business facility investment for such later taxable years until the taxpayer has received issuance of all tax credits authorized under this section, and, for each such taxable year, the taxpayer shall receive such tax credits on a pro rata basis with other applicants for the tax credits if there are other applicants.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds five hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision (22) of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which

satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision (22) of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

9. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

10. Except as allowed in subsection 5 of this section, credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

11. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

12. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

13. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal

property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof.

As used in this subdivision, the word "comparable" means that:

- (a) Such sale was closed at a date relevant to the property valuation; and
- (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
- (2) Livestock, twelve percent;
- (3) Farm machinery, twelve percent;
- (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

- (5) Poultry, twelve percent; [and]

- (6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent;

- (7) **In any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, tools, telecommunications equipment, power production and transmission machinery and equipment, data processing machinery and equipment, and other machinery and equipment that is used in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of one percent.**

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not

opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.”; and

Further amend said bill, Section 144.030, Page 18, Line 271, by inserting after all of said line the following:

"144.054. 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business, **and all tangible personal property, including tools, telecommunications equipment, power production and transmission machinery and equipment and data processing machinery and equipment, and any other tools, materials, machinery, or equipment used or consumed in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950.**

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo.



**144.810. 1.** As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Commencement of commercial operations", shall be deemed to occur during the first calendar year for which the data storage center or server farm facility is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center or server farm facility;

(2) "Constructing taxpayer", where more than one taxpayer is responsible for a project, a taxpayer responsible for the purchase or construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) "Data storage center" or "server farm facility" or "facility", a facility purchased, constructed, extended, improved or operating under this section, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(4) "Existing facility", a data storage center or server farm facility in this state as it existed prior to August 28, 2010, as determined by the department;

(5) "Expanding facility" or "expanding data storage center or server farm facility", an existing facility or replacement facility that expands its operations in this state on or after August 28, 2010, and has net new investment related to the expansion of operations in this state of at least one million dollars during a period of up to twelve consecutive months. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(6) "Expanding facility project" or "expanding data storage center or server farm facility project", the purchase, construction, extension, improvement equipping and operation of an expanding facility;

(7) "NAICS", the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(8) "New facility" or "new data storage center or server farm facility", a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2010. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2010, if the transfer of title to an operating taxpayer, the transfer of possession pursuant to a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2010, or, if the facility is constructed, erected or installed by or on behalf of an operating taxpayer, such construction, erection or installation is commenced on or after August 28, 2010;

(b) If such facility was acquired by an operating taxpayer from another person or persons on or after August 28, 2010, and such facility was employed prior to August 28, 2010, by any other person or persons in the operation of a data storage center or server farm facility, the facility shall not be considered a new facility;

(c) Such facility is not a replacement facility, as defined in subdivision (12) of this section;

(d) The new facility project investment is at least five million dollars during a period of up to thirty-six consecutive months. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer or a combination of constructing taxpayers and operating taxpayers; and

(e) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(9) "New data storage center or server farm facility project" or "new facility project", the purchase, construction, extension, improvement equipping and operation of a new facility;

(10) "Operating taxpayer", where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(11) "Project taxpayers", each constructing taxpayer and each operating taxpayer for a data storage center or server farm facility project;

(12) "Replacement facility" or "replacement data storage center or server farm facility", a facility in this state otherwise described in subdivision (8) of this section, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(13) "Taxpayer", the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in a new data storage center or server farm facility;

(2) All machinery, equipment, and computers used in any new data storage center or server farm facility; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any new data storage center or server farm facility.

3. Any data storage center and server farm facility project seeking a tax exemption under subsection 2 of this section shall submit a project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The department of economic development shall determine whether the project is eligible for the exemption under subsection 2 of this section conditional upon subsequent verification by the department that the project meets the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least five million dollars of new facility investment over a time period not to exceed thirty-six consecutive months. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved new facility project has met the investment amount, the project taxpayers shall provide proof of such investment to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period or the first day of the new investment in the event the investment is met in less than thirty-six months. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, or the first day of the new investment in the event the investment is met in less than thirty-six months, shall issue a refund of sales taxes paid as set forth in this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subdivisions (1), (2), and (3) of subsection 2 of this section.

4. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in an expanding data storage center or server farm facility which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication services used in the existing facility or the replaced facility prior to the expansion. Amount shall be measured in kilowatt hours, gallons, cubic feet or other measures applicable to a utility service as opposed to in dollars, to account for increases in rates;

(2) All machinery, equipment, and computers used in any expanding data storage center or server farm facility, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and

(3) All sales at retail of the tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center or server farm facility.

5. Any data storage center and server farm facility project seeking a tax exemption under subsection 4 of this section shall submit an expanding project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The project applicants shall also provide proof satisfactory to the department of economic development that the facility is an expanding facility and has net new investment related to the expansion of operations in this state of at least one million dollars during a time period not to exceed twelve consecutive months. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption. The department of revenue shall issue a certificate of exemption to each expanding project taxpayer for ongoing exemptions under subdivisions (1), (2) and (3) of subsection 4 of this section.

6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or

constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to make certain the intent of this section is followed.

8. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void."; and

Further amend said bill, Section 144.817, Page 19, Line 18, by inserting the following after all of said line:

"620.1910. 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".

2. As used in this section, the following terms mean:

(1) "Approval", a document submitted by the department to the qualified manufacturing facility or qualified supplier that states the benefits that may be provided under this section;

(2) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product;

(3) "County average wage", the same meaning as provided under section 620.1878;

(4) "Department", the department of economic development;

(5) "Facility", a building or buildings located in Missouri at which the new product is manufactured;

(6) "Full-time job", a job for which a person is compensated for an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified manufacturing company or qualified supplier offers health insurance and pays at least fifty percent of such insurance premiums;

(7) "NAICS industry classification", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(8) "New job", the same meaning as provided under section 620.1878;

(9) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by the qualified manufacturing company at any time prior to the date of the notice of intent;

(10) "Notice of intent", a form developed by the department, completed by the qualified manufacturing company or qualified supplier and submitted to the department which states the qualified manufacturing company's or qualified supplier's intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;

(11) "Private funds", financing sources of the qualified manufacturing company for the retention or creation of jobs or capital investment which shall include equity or loans that require repayment and are from sources other than guaranteed funds directly attributed to the capital investment granted by Missouri or one or more of its local political subdivisions;

(12) "Qualified manufacturing company", a business that:@

(a) Manufactures goods at a facility in Missouri;

(b) Derives more than ten percent of the facility's total annual sales from goods produced at the facility which are exported outside the United States or sold to the federal government for export outside the United States or that derives more than twenty percent of total annual sales of the facility from goods produced at the facility which are exported outside the state of Missouri;

(c) Commits to make a capital investment of at least one hundred thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax pursuant to this section;

(d) Manufactures a new product or has commenced making capital improvements to the facility necessary for the manufacturing of such new product; and

(e) Continues to meet the requirements of paragraphs (a) to (d) of this subdivision for a period of at least ten years from the date of the notice of intent;

(13) "Qualified supplier", a manufacturing company that:@

(a) Attests to the department that it derives more than ten percent of the total annual sales of the company from sales to a qualified manufacturing facility;

(b) Adds five or more new jobs;

(c) Pays wages for such new jobs that are equal to or exceed the lower of the county average wage or the industry average wage for Missouri as determined by the department using NAICS industry classifications, but not lower than sixty percent of the statewide average wage; and

(d) Provides health insurance to employees and pays at least fifty percent of the premiums of such insurance;

(14) "Retained job", the number of full-time jobs of persons employed by the qualified manufacturing company located at the project facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;

(15) "Statewide average wage", an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for all Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(16) "Total annual sales", the denominator of the sales apportionment fraction reported on the Missouri tax return filed by the qualified manufacturing company or the qualified supplier for taxes imposed under chapter 143;

(17) "Withholding period", the ten year period in which a qualified manufacturing company may receive benefits under this section;

(18) "Withholding tax", the same meaning as provided under section 620.1878.

3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A qualified manufacturing company may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility for a period of ten years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program under sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax pursuant to this section, provided all qualifications for such program are met.

5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of this section, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company pursuant to this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies pursuant to this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs shall include, but are not limited to, the new jobs training

program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the new jobs training program in sections 178.892 to 178.896, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any taxpayer who is awarded benefits under this section who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to taxpayers awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the contents of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the number of full-time jobs of the qualified manufacturing company at the facility falls below the number of full-time jobs specified within the notice of intent at any time during the withholding period, or if the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such employment shortfall is due to economic conditions beyond the control of the qualified manufacturing company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax pursuant to this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of facilities or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Pratt offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Bill No. 981, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 86.252, 86.255, 86.256, 86.294, 94.510, 94.550, 94.577, 144.030, 144.817, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof eighteen new sections relating to state and local expenditures, with an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 86.252, 86.255, 86.256, 86.294, 94.510, 94.550, 94.577, 144.030, 144.817, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 86.252, 86.255, 86.256, 86.294, 86.295, 94.510, 94.550, 94.577, 144.030, 144.817, 169.270, 169.280, 169.301, 169.324, 169.328, 1, and 2, to read as follows:

86.252. 1. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member's required beginning date. The general required beginning date of a member's benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

2. All distributions required pursuant to this section prior to January 1, 2003, shall be determined and made in accordance with the income tax regulations under Section 401(a)(9) of the Internal Revenue Code in effect prior to January 1, 2003, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

- (1) The life of the member;
- (2) The life of the member and a designated beneficiary;
- (3) A period certain not extending beyond the life expectancy of the member; or
- (4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

3. (1) This subsection shall apply for purposes of determining required minimum distributions for calendar years beginning on and after January 1, 2003, and shall take precedence over any inconsistent provisions of section 86.200 to 86.366. All distributions required under this subsection shall be determined and made in accordance with the United States Treasury regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(2) (a) The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date.

(b) If the member dies before distributions begin, the member's entire interest shall be distributed or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died, or by December thirty-first of the calendar year in which the member would have attained age seventy and one-half years, if later;

b. If the member's surviving spouse is not the member's sole designated beneficiary, distributions to the designated beneficiary shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died;

c. If there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, the member's entire interest shall be distributed by December thirty-first of the calendar year containing the fifth anniversary of the member's death;

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distribution to the surviving spouse begins, this paragraph, except for subparagraph a. of this paragraph, shall apply as if the surviving spouse were the member. For purposes of this paragraph and subdivision (5) of this subsection, distributions shall be considered to begin on the member's required beginning date, or if

subparagraph d. of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date of distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph, the date of distributions shall be considered to begin the date distributions actually commence.

(c) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions shall be made in accordance with subdivisions (3), (4), and (5) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and the United States Treasury regulations.

(3) (a) If the member's interest is paid in the form of annuity distributions under sections 86.200 to 86.366, payments under the annuity shall satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;  
b. The distribution period shall be over a life or lives, or over a period certain not longer than the period described in subdivision (4) or (5) of this subsection;

c. Once payments have begun over a period certain, the period certain shall not be changed even if the period certain is shorter than the maximum permitted;

d. Payments shall either be nonincreasing or increase only as [follows:

(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the federal Bureau of Labor Statistics;

(ii) To the extent of the reduction in the amount of the member's payments to provide for a surviving benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subdivision (4) of this subsection dies or is no longer the member's beneficiary under a qualified domestic relations order with the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended;

(iii) To provide cash refunds of employee contributions upon the member's death; or

(iv) To pay increased benefits that result from a revision of sections 86.200 to 86.366] **permitted under Q&A of Section 1.401(a)(9)-6 of the United States Treasury regulations.**

(b) The amount distributed on or before the member's required beginning date, or if the member dies before distribution begins, the date distributions are required to begin under subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if the payment interval ends in the next calendar year. "Payment intervals" means the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(c) Any additional benefits accruing to the member in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(4) (a) If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death shall not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the United States Treasury regulations.

(b) The period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age seventy, the applicable distribution period for the member shall be the distribution period for age seventy under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations plus the excess of seventy over the age of the member as of the member's birthday in the year that contained the annuity starting date.

(5) (a) If the member dies before the date distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest shall be distributed, beginning no later than the time described in subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) If the member dies before the date distributions begin and there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, distribution of the member's entire interest shall be completed by December thirty-first of the calendar year containing the fifth anniversary of the member's death.

(c) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subdivision shall apply as if the surviving spouse were the member; except that, the time by which distributions shall begin shall be determined without regard to subparagraph a. of paragraph (b) of subdivision (2) of this subsection.

(6) As used in this subsection, the following terms mean:

(a) "Designated beneficiary", the surviving spouse or the individual who is designated as the beneficiary under subdivision (4) of section 86.200 or any individual who is entitled to receive death benefits under section 86.283 or 86.287 and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and Section 1.401(a)(9)-1, Q&A-4 of the United States Treasury regulations;

(b) "Distribution calendar year", a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin under paragraph (b) of subdivision (2) of this subsection;

(c) "Life expectancy", life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the United States Treasury regulations;

(d) "Required beginning date", April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

(7) Notwithstanding any provision in this subsection to the contrary:

(a) A distribution for calendar years 2003, 2004, and 2005 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the payments do not satisfy Section 1.401(a)(9)-1, Q&A-1 to Q&A-16 of the United States Treasury regulations, provided the payments satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and

(b) [In the case of an annuity distribution option provided under the terms of sections 86.200 to 86.366 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the annuity payments do not satisfy the requirements of Section 1.401(a)(9)-1, Q&A-1 to Q&A-15 of the United States Treasury regulations, provided the distribution option satisfies Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, based on a reasonable and good faith interpretation of the provisions of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.] **Pursuant to Section 1.401(a)(9)-1, Q&A-2 of the United States Treasury regulations, the plan shall be treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the plan if the plan complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.**

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) "Direct rollover", a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) "Distributee", a member, a surviving spouse or a spouse **or, effective for distributions made on or after January 1, 2010, a nonspouse beneficiary;**



(3) "Eligible retirement plan", an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, [2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code] **2008, a Roth IRA as described in Section 408 of the Internal Revenue Code of 1986, as amended, provided that for distributions made on or after January 1, 2010 to a nonspouse beneficiary, an eligible retirement plan shall include only an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, or a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended, that is an inherited individual retirement account or annuity under Section 408 of the Internal Revenue Code of 1986, as amended;**

(4) "Eligible rollover distribution", any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) Effective for distributions made on or after January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, **for distributions made before January 1, 2007**, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; **for distributions made on or after January 1, 2007**, such portion may also be transferred to an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, or to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; and **for distributions made on or after January 1, 2008**, such portion may also be transferred to a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended.

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

5. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, in no event shall the trustees pay an eligible rollover distribution in the amount of five thousand dollars or less to a member or retired member who has not attained age sixty-two unless such member or retired member consents in writing either to receive such distribution in cash or to have such distribution directly rolled over in accordance with the provisions of this section.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. Effective for limitation years beginning after December 31, 2001, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the [lesser of:

(1) One hundred percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, for the limitation year; or

(2) Forty thousand dollars, as adjusted for increases in the cost of living under Section 415(d) of the Internal Revenue Code.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations.

**4.] amount specified in Section 415(c) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended, as in effect on the last day of the plan year.**

3. For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants employed by a police or fire department, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2[, 3,] and [4] **3** of this section, effective January 1, 2002, the plan shall accept a member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, **and that would otherwise be includable in gross income.** The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income. **The plan will accept a member's direct rollover of an eligible rollover distribution made on or after October 1, 2010, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code of 1986, as amended, or an annuity contract described in 403(b) of the Internal Revenue Code of 1986, as amended, that includes after-tax employee contributions, other than Roth contributions described in Section 402A of the Internal Revenue Code of 1986, as amended, that are not includable in gross income and shall separately account for such after-tax amounts.**

2. **Except to the extent specifically permitted under procedures established by the board of trustees,** the amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of **an** eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

[4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.]

**86.295. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, if a member dies on or after January 1, 2007, while performing qualified military service, as defined in Section 414(u)(5) of the Internal Revenue Code of 1986, as amended, the member's surviving spouse or other dependents shall be entitled to any benefits, other than benefit increases relating to the period of qualified military service, and the rights and features associated with those benefits which would have been provided under sections 86.280 and 86.290 if the member had returned to service as a police officer and died while in active service.";** and

Further amend said bill, Page 19, Section 144.817, Line 18, by inserting after all of said line the following:

"169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon

in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. **The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;**

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retiree;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703, RSMo;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member");

(17) "Minimum normal retirement age", the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit, with both years of creditable service and years of age prorated for fractional years;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.280. 1. In each school district of this state (i) that now has or may hereafter have a population of not more than seven hundred thousand and (ii) not less than seventy percent of whose population resides in a city other than a city not within a county which now has or may hereafter have a population of four hundred thousand or more, according to the latest United States decennial census, there is hereby created and established a retirement system for the purpose of providing retirement allowances and related benefits for employees of the employer. Each such system shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of (name of school district)", and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. When a school district first satisfies the foregoing population conditions, the board of education shall adopt a resolution certifying the same and take all actions necessary to cause the retirement system to begin operation on the thirtieth day of September following such certification.

2. In the event that (i) the population of a school district having a retirement system created hereunder should increase to a number greater than seven hundred thousand, or (ii) the population of the city in which not less than seventy percent of the population of the school district resides should decrease to a number less than four hundred thousand, or (iii) less than seventy percent of the population of the school district should reside in a city having a population of at least four hundred thousand, or (iv) the corporate organization of the school district shall lapse in accordance with subsections 1 and 4 of section 162.081, RSMo, the retirement system of such school district shall continue to be governed by and subject to sections 169.270 to 169.400 and all other statutes, rules, and regulations applicable to retirement systems in school districts having a population of not more than seven hundred thousand and not less than seventy percent of whose population resides in a city, other than a city not within a county, of four hundred thousand or more, as if the population of such school district and city continued to be within such numerical limits.

**3. The plan of retirement benefits administered by the retirement system established hereby is intended to be a qualified plan under the provisions of applicable federal law. The board of trustees shall interpret the statutes governing the retirement system and shall administer the retirement system in all respects consistent with such intent. The assets of the retirement system shall be held in trust for the exclusive benefit of members and their beneficiaries and for defraying reasonable administrative expenses of the retirement system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purposes other than for such exclusive benefit or for any purpose inconsistent with the requirements of sections 169.270 to 169.400.**

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the

board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

**4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.**

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that, effective January 1, 1996, any retiree who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326. Provided, further, any retiree who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326). Any beneficiary of a deceased retiree who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, **provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average **final** annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the

greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and the first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the statutory contribution rate;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.328. 1. Should a member cease to be a regular employee, except by retirement, the member, if living, shall be paid on demand, made by written notice to the board of trustees, the amount of the person's accumulated contributions (with interest as determined by the board of trustees as provided in sections 169.270 to 169.400) standing to the credit of the person's individual account in the employees' contribution fund. The accumulated contributions with interest shall not be paid to a member so long as the person remains a regular employee or before the member incurs a break in service. If the member dies before retirement such accumulated contributions (with interest) shall be paid to the member's estate or designated beneficiary unless the provisions of subsection 3 of section 169.326 apply.

2. If a former unvested member's accumulated contributions have not been withdrawn four years after the person has ceased to be a member (other than by reason of death or retirement), the board of trustees shall pay the same to such former member within a reasonable time after the expiration of such four-year period.

3. If, on account of undeliverability, improper mailing or forwarding address, or other similar problem, the board of trustees is unable to refund the accumulated contributions of a former unvested member or to commence payment of retirement benefits within four years after the end of the calendar year in which such former member ceased to be a regular employee, the board may transfer the accumulated contributions to the general reserve fund. If, thereafter, written application is made to the board of trustees for such refund or benefits, the board shall cause the same to be paid from the general reserve fund, but no interest shall be accrued after the end of the fourth year following the end of the calendar year in which such former member ceased to be a regular employee.

4. In its discretion the board of trustees may approve extensions of any time periods in this section on account of a former member's military or naval service, academic study or illness.

**5. Any member or beneficiary who is entitled to receive a distribution that is an eligible rollover distribution, as defined in Section 402(c)(4) of the Internal Revenue Code of 1986, may elect to have that distribution transferred directly to another eligible retirement plan, as defined in Section 402(c)(8) of the Internal Revenue Code of 1986, designated by the member or beneficiary in accordance with procedures established by the board of trustees. An eligible rollover distribution shall include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution under Section 402(c)(11) of the Internal Revenue Code of 1986. All such transfers shall be made in compliance with the requirements of Section 401(a)(31) of the Internal Revenue Code of 1986 and regulations thereunder.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Pratt, **House Amendment No. 1 to House Amendment No. 8** was adopted.

On motion of Representative Nolte, **House Amendment No. 8, as amended**, was adopted.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Flanigan	Holsman	LeVota	McGhee	Meiners
Pollock				

VACANCIES: 001

On motion of Representative Sutherland, **HCS SB 981, as amended**, was adopted.

On motion of Representative Sutherland, **HCS SB 981, as amended**, was read the third time and passed by the following vote:

AYES: 136

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flook	Franz	Gatschenberger
Grill	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Leara	LeBlanc	LeVota
Liese	Lipke	Lochner	Low	McClanahan
McDonald	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Stevenson	Still	Storch



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Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

NOES: 020

Bringer	Davis	Dusenberg	Emery	Ervin
Frame	Grisamore	Guernsey	Hughes	Iceť
Koenig	Kraus	Largent	Pollock	Pratt
Self	Skaggs	Smith 150	Spreng	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper	Flanigan	Funderburk	McGhee	Salva
Smith 14				

VACANCIES: 001

Representative Iceť declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 049

Ayres	Bivins	Brandom	Brown 30	Bruns
Burnett	Chappelle-Nadal	Colona	Cox	Cunningham
Curls	Deeken	Denison	Dieckhaus	Dougherty
Faith	Fisher 125	Hobbs	Holsman	Jones 117
Kelly	Kingery	Kratky	Lair	Leara
LeBlanc	LeVota	Liese	Lochner	Low
McDonald	Meadows	Nance	Nasheed	Rucker
Ruestman	Sater	Schaaf	Smith 14	Still
Storch	Stream	Sutherland	Talboy	Thomson
Tilley	Wallace	Webber	Weter	

NOES: 103

Allen	Atkins	Aull	Biermann	Bringer
Brown 50	Brown 149	Burlison	Calloway	Carter
Casey	Conway	Corcoran	Davis	Day
Dethrow	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Fallert	Fischer 107	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Hoskins 80	Hoskins 121	Hughes	Hummel	Iceť
Jones 63	Jones 89	Keeney	Kirkton	Koenig
Komo	Kraus	Kuessner	Largent	McClanahan
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruzicka	Sander
Scavuzzo	Schad	Scharnhorst	Schieffer	Schlottach

Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 150	Spreng	Stevenson
Swinger	Todd	Tracy	Viebrock	Vogt
Walsh	Walton Gray	Wasson	Webb	Wells
Whitehead	Wilson 119	Wilson 130	Witte	Yaeger
Zerr	Zimmerman	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Diehl	Flanigan	Kander	Lampe
Lipke	McGhee	Parson	Salva	Wright

VACANCIES: 001

**HCS SB 741**, relating to elections, was taken up by Representative Dugger.

Representative Cox offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 741, Section 115.124, Page 5, Line 25, by inserting after all of said line the following:

**“3. Whenever an election is not held as provided in this section, the jurisdiction cancelling the election shall publish in a newspaper of general circulation within the jurisdiction information stating that the election has been cancelled and a candidate will assume the responsibilities of the office as provided by this section. The information shall include the name or names of each candidate who will assume office. The costs of publication shall be paid by the jurisdiction cancelling the election.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 1** was adopted by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Casey	Conway	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Lipke
Loehner	Low	McClanahan	McNary	McNeil
Meadows	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman

Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Zimmerman	Mr Speaker	

NOES: 032

Brown 50	Burnett	Calloway	Carter	Chappelle-Nadal
Colona	Curls	Fallert	Holsman	Hoskins 80
Hummel	Jones 63	Kander	McDonald	Newman
Norr	Oxford	Pace	Roorda	Salva
Scavuzzo	Schieffer	Schupp	Skaggs	Still
Talboy	Walsh	Walton Gray	Webb	Webber
Whitehead	Yaeger			

PRESENT: 000

ABSENT WITH LEAVE: 011

Corcoran	Flanigan	Hughes	LeBlanc	Liese
McGhee	Meiners	Morris	Spreng	Vogt
Wasson				

VACANCIES: 001

## Representative Ruzicka offered **House Amendment No. 2.**

### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 741, Page 3, Section 30.080, Line 7, by inserting after all of said line the following:

“78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

**2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.**

**(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

**(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ruzicka, **House Amendment No. 2** was adopted.

Representative Deeken offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 741, Page 7, Section 30.070, Line 4, by inserting after all of said line the following:

“[115.241. Each party emblem shall be printed on the ballot above the party caption.];” and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Deeken, **House Amendment No. 3** was adopted by the following vote:

AYES: 102

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Conway
Cooper	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fischer 107	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Iceet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Kraus	Lair	Largent	Leara
LeVota	Liese	Lipke	Loehner	McNary
McNeil	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Wasson	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 050

Atkins	Aull	Bringer	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Curls
Fallert	Frame	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kirkton
Komo	Kratky	Kuessner	Lampe	Low
McClanahan	McDonald	Meadows	Morris	Nasheed
Newman	Norr	Oxford	Pace	Roorda
Rucker	Scavuzzo	Schoemehl	Schupp	Skaggs
Still	Storch	Swinger	Talboy	Walsh
Walton Gray	Webb	Whitehead	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 010

Ayres	Corcoran	Dieckhaus	Flanigan	Kander
LeBlanc	McGhee	Meiners	Spreng	Vogt

VACANCIES: 001

Representative Stevenson offered **House Amendment No. 4**.

Representative Cox raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

Representative Icet requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Dugger, **HCS SB 741, as amended**, was adopted.

On motion of Representative Dugger, **HCS SB 741, as amended**, was read the third time and passed by the following vote:

AYES: 085

Allen	Ayres	Biermann	Bivins	Brandom
Brown 30	Brown 149	Bruns	Burlison	Conway
Cooper	Cunningham	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 063

Atkins	Aull	Bringer	Brown 50	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Curls
Davis	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hummel	Jones 63	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively

Skaggs	Still	Storch	Swinger	Talboy
Todd	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 014

Burnett	Corcoran	Cox	Dieckhaus	Flanigan
Hughes	Kander	LeBlanc	McGhee	Meiners
Pollock	Spreng	Vogt	Walsh	

VACANCIES: 001

Representative Icet declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

**HCS SCS SB 777**, relating to the sale of certain financial products, was taken up by Representative Jones (89).

Representative Oxford offered **House Amendment No. 1**.

Representative Stevenson raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Smith (14) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 1, Section A, Line 3, by inserting after all of said line the following:

“362.111. **1.** A bank or trust company may impose fees or service charges on deposit accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 361.105, RSMo, by the director of the division of finance and the state banking board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.

**2. An agreement to operate or share an automated teller machine shall not prohibit an owner or operator of the automated teller machine from imposing, on an individual who conducts a transaction using a foreign account, an access fee or surcharge that is not otherwise prohibited under federal or state law.**

**3. As used in this section, the following terms mean:**

(1) "Automated teller machine", any electronic device, wherever located, through which a consumer may initiate an electronic funds transfer or may order, instruct, or authorize a financial institution to debit or credit an account and includes any machine or device which may be used to carry out electronic banking business. "Automated teller machine" does not include point of sale terminals or telephones or personal computers operated by a consumer;

(2) "Foreign account", an account with a financial institution located outside the United States.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Smith (14), **House Amendment No. 2** was adopted.

Representative Jones (117) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“339.503. As used in sections 339.500 to 339.549, the following words and phrases mean, unless the context clearly indicates otherwise:

(1) "Appraisal" or "real estate appraisal", an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;

(2) "Appraisal assignment", an engagement for which a person is employed or retained to act as a disinterested third party in rendering an objective appraisal;

(3) "Appraisal foundation", the organization of the same name that was incorporated as an Illinois not-for-profit corporation on November 20, 1987, whose operative boards are the appraisal standards board and the appraiser qualifications board;

(4) "Appraisal report", any communication, written or oral, of an appraisal. The purpose of an appraisal is immaterial, therefore valuation reports, real estate counseling reports, real estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest and best use studies, market demand and economic feasibility studies and all other reports communicating an appraisal analysis, opinion or conclusion are appraisal reports, regardless of title;

(5) "Appraisal standards board (ASB)", the independent board of the appraisal foundation which promulgates the generally accepted standards of the appraisal profession and the uniform standards of professional appraisal practices;

(6) "Appraiser qualifications board (AQB)", the independent board of the appraisal foundation which establishes minimum experience, education and examination criteria for state licensing of appraisers;

(7) "Boat dock", a structure for loading and unloading boats and connecting real property to water, public or private. A boat dock is real property and has riparian rights, provided:

(a) The lender includes the boat dock as a fixture both in the lender's deed of trust and a uniform commercial code fixture filing under section 400.9-502, RSMo;

(b) The boat dock is attached to the real property by steel cable, bar, or chain that is permanently imbedded in concrete or rock, and otherwise securely attached to the dock; and

(c) The owner of the dock has riparian rights by means of real estate rights bordering the body of water, including such rights by license, grant, or other means allowing access to the body of water, which access may be seasonal because the water may be reduced for electric power production or flood control;

**(8) “Boat slip or watercraft slip”, a defined area of water, including the riparian rights to use such area, whether by grant, lease, or license, in accordance with all applicable laws and regulations, which is a part of a boat dock serving a common interest community, including by way of example and not of limitation, condominiums and villas; and the exclusive right to such use being allocated as a limited common element or being assigned to an owner of real estate in the common interest community in which the boat dock is located, whether by grant, lease, or otherwise. The rights of the real estate owner in such slip are included as collateral in any deed of trust and uniform commercial code filing of a lender, if any, taking a security interest in the owner’s real estate;**

(8) "Broker price opinion", an opinion of value, prepared by a real estate licensee for a fee, that includes, but is not limited to, analysis of competing properties, comparable sold properties, recommended repairs and costs or suggested marketing techniques. A broker price opinion is not an appraisal and shall specifically state it is not an appraisal;

(9) "Certificate", the document issued by the Missouri real estate appraisers commission evidencing that the person named therein has satisfied the requirements for certification as a state-certified real estate appraiser and bearing a certificate number assigned by the commission;

(10) "Certificate holder", a person certified by the commission pursuant to the provisions of sections 339.500 to 339.549;

(11) "Certified appraisal report", an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal report represents to the public that it meets the appraisal standards defined in sections 339.500 to 339.549;

(12) "Commission", the Missouri real estate appraisers commission, created in section 339.507;

(13) "Comparative market analysis", the analysis of sales of similar recently sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or agent, for his or her principal. A comparative market analysis is not an appraisal and shall specifically state it is not an appraisal;

(14) "Disinterested third party" shall not exclude any state-certified real estate appraiser or state-licensed real estate appraiser employed or retained by any bank, savings association, credit union, mortgage banker or other lender to perform appraisal assignments, provided that the appraisal assignments are rendered with respect to loans to be extended by the bank, savings association, credit union, mortgage banker or other lender, and provided further that the state-certified real estate appraiser or state-licensed real estate appraiser is not requested or required to report a predetermined analysis or opinion of value;

(15) "License" or "licensure", a license or licensure issued pursuant to the provisions of sections 339.500 to 339.549 evidencing that the person named therein has satisfied the requirements for licensure as a state-licensed real estate appraiser and bearing a license number assigned by the commission;

(16) "Real estate", an identified parcel or tract of land, including improvements, if any;

(17) "Real estate appraiser" or "appraiser", a person who for a fee or valuable consideration develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein;

(18) "Real estate appraising", the practice of developing and communicating real estate appraisals;

(19) "Real property", the interests, benefits and rights inherent in the ownership of real estate;

(20) "Residential real estate", any parcel of real estate, improved or unimproved, that is primarily residential in nature and that includes or is intended to include a residential structure containing not more than four dwelling units and no other improvements except those which are typical residential improvements that support the residential use for the location and property type. A residential unit is a condominium, town house or cooperative complex, or a planned unit development is considered to be residential real estate. Subdivisions are not considered residential real estate. Individual parcels of property located within a residential subdivision shall be considered residential property;

(21) "Specialized appraisal services", appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services;

(22) "State-certified general real estate appraiser", a person who holds a current, valid certificate as a state-certified general real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

(23) "State-certified residential real estate appraiser", a person who holds a current, valid certificate as a state-certified residential real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

(24) "State-licensed real estate appraiser", a person who holds a current, valid license as a state-licensed real estate appraiser pursuant to the provisions of sections 339.500 to 339.549;

(25) "Subdivision", a tract of land that has been divided into blocks or plots with streets, roadways, open areas and other facilities appropriate to its development as residential, commercial or industrial sites;

(26) "Temporary appraiser licensure or certification", the issuance of a temporary license or certificate by the commission to a person licensed or certified in another state who enters this state for the purpose of completing a particular appraisal assignment.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Englund raised a point of order that **House Amendment No. 3** goes beyond the scope of the underlying bill.

The Chair ruled the point of order not well taken.

On motion of Representative Jones (117), **House Amendment No. 3** was adopted.

Representative Hobbs offered **House Amendment No. 4**.



AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“375.539. 1. The director of the department of insurance, financial institutions and professional registration may deem an insurance company to be in such financial condition that its further transaction of business would be hazardous to policyholders, creditors, and the public, if such company is a property or casualty insurer, or both a property and casualty insurer, which has in force any policy with any single net retained risk larger than ten percent of that company's capital and surplus as of the December thirty-first next preceding.**

**2. The following standards, either singly or a combination of two or more, may be considered by the director to determine whether the continued operation of any insurer transacting an insurance business in this state might be deemed to be hazardous to its policyholders, creditors, or the general public:**

**(1) Adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports, or summaries;**

**(2) The National Association of Insurance Commissioners Insurance Regulatory Information System and its other financial analysis solvency tools and reports;**

**(3) Whether the insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts;**

**(4) The ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer;**

**(5) Whether the insurer's operating loss in the last twelve-month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than fifty percent of the insurer's remaining surplus as regards to policyholders in excess of the minimum required;**

**(6) Whether the insurer's operating loss in the last twelve-month period or any shorter period of time, excluding net capital gains, is greater than twenty percent of the insurer's remaining surplus as regards to policyholders in excess of the minimum required;**

**(7) Whether a reinsurer, obligor, or any entity within the insurer's insurance holding company system, is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations, and which in the opinion of the director may affect the solvency of the insurer;**

**(8) Contingent liabilities, pledges, or guaranties which either individually or collectively involve a total amount which in the opinion of the director may affect the solvency of the insurer;**

**(9) Whether any "controlling" person of an insurer is delinquent in the transmitting to, or payment of, net premiums to the insurer. As used in this subdivision, the term "controlling" shall have the same meaning assigned to it in subdivision (2) of section 382.010;**

**(10) The age and collectibility of receivables;**

**(11) Whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of the insurer, fails to possess and demonstrate the competence, fitness, and reputation deemed necessary to serve the insurer in such position;**

**(12) Whether management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false and misleading information concerning an inquiry;**

**(13) Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the director;**

**(14) Whether management of an insurer either has filed any false or misleading sworn financial statement, or has released false or misleading financial statement to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;**

**(15) Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;**

**(16) Whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems;**

(17) Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles and standards of practice;

(18) Whether management persistently engages in material under reserving that results in adverse development;

(19) Whether transactions among affiliates, subsidiaries, or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;

(20) Any other finding determined by the director to be hazardous to the insurer's policyholders, creditors, or general public.

3. For the purposes of making a determination of an insurer's financial condition under this section, the director may:

(1) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired, or otherwise subject to a delinquency proceeding;

(2) Make appropriate adjustments including disallowance to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates consistent with the National Association of Insurance Commissioners Accounting Policies and Procedures Manual, state laws and regulations;

(3) Refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor;

(4) Increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next twelve-month period.

4. If the director determines that the continued operation of the insurer licensed to transact business in this state may be hazardous to its policyholders, creditors, or the general public, then the director may, to the extent authorized by law and in accordance with any procedures required by law, issue an order requiring the insurer to:

(1) Reduce the total amount of present and potential liability for policy benefits by reinsurance;

(2) Reduce, suspend, or limit the volume of business being accepted or renewed;

(3) Reduce general insurance and commission expenses by specified methods;

(4) Increase the insurer's capital and surplus;

(5) Suspend or limit the declaration and payment of dividend by an insurer to its stockholders or to its policyholders;

(6) File reports in a form acceptable to the director concerning the market value of an insurer's assets;

(7) Limit or withdraw from certain investments or discontinue certain investment practices to the extent the director deems necessary;

(8) Document the adequacy of premium rates in relation to the risks insured;

(9) File, in addition to regular annual statements, interim financial reports on the form adopted by the National Association of Insurance Commissioners or in such format as promulgated by the director;

(10) Correct corporate governance practice deficiencies, and adopt and utilize governance practices acceptable to the director;

(11) Provide a business plan to the director in order to continue to transact business in the state;

(12) Notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for any non-life insurance product written by the insurer that the director considers necessary to improve the financial condition of the insurer.

5. An insurer subject to an order under subsection 4 of this section may request a hearing before the director in accordance with the provisions of chapter 536. The notice of hearing shall be served upon the insurer pursuant to section 536.067. The notice of hearing shall state the time and place of hearing and the conduct, condition, or ground upon which the director based the order. Unless mutually agreed between the director and the insurer, the hearing shall occur not less than ten days nor more than thirty days after notice is served and shall be either in Cole County or in some other place convenient to the parties designated by the director. The director shall hold all hearings under this subsection privately, unless the insurer requests a public hearing, in which case the hearing shall be public.

6. This section shall not be interpreted to limit the powers granted the director by any laws or parts of laws of this state, nor shall this section be interpreted to supercede any laws or parts of laws of this state, except that if the insurer is a foreign insurer, the director's order under subsection 4 of this section may be limited to the extent expressly provided by any laws or parts of laws of this state.

375.1255. 1. "Company action level event" means with respect to any insurer, any of the following events:

(1) The filing of an RBC report by the insurer which indicates that:

(a) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; or

(b) If a life and health insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level capital and 2.5, and has a negative trend;

**(c) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC report instructions;**

(2) The notification by the director to the insurer of an adjusted RBC report that indicates the event in paragraph (a) [or], (b), **or (c)** of subdivision (1) of this subsection, if the insurer does not challenge the adjusted RBC report pursuant to section 375.1265;

(3) If pursuant to section 375.1265 the insurer challenges an adjusted RBC report that indicates the event described in subdivision (1) of this subsection, the notification by the director to the insurer that the director has, after a hearing, rejected the insurer's challenge.

2. In the event of a company action level event the insurer shall prepare and submit to the director an RBC plan which shall:

(1) Identify the conditions in the insurer which contribute to the company action level event;

(2) Contain proposals of corrective actions which the insurer intends to take and would be expected to result in the elimination of the company action level event;

(3) Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital or surplus. The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense and benefit component;

(4) Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and

(5) Identify the quality of, and problems associated with, the insurer's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance in each case, if any.

3. The RBC plan shall be submitted:

(1) Within forty-five days of the company action level event; or

(2) If the insurer challenges an adjusted RBC report pursuant to section 375.1265 within forty-five days after notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

4. Within sixty days after the submission by an insurer of an RBC plan to the director, the director shall notify the insurer whether the RBC plan shall be implemented or is, in the judgment of the director, unsatisfactory. If the director determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory, in the judgment of the director. Upon notification from the director, the insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the director, and shall submit the revised RBC plan to the director:

(1) Within forty-five days after the notification from the director; or

(2) If the insurer challenges the notification from the director pursuant to section 375.1265, within forty-five days after a notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

5. In the event of a notification by the director to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the director may at the director's discretion, subject to the insurer's right to a hearing under section 375.1265, specify in the notification that the notification constitutes a regulatory action level event.

6. Every domestic insurer that files an RBC plan or revised RBC plan with the director shall file a copy of the RBC plan or revised RBC plan with the chief insurance regulatory official in any state in which the insurer is authorized to do business if:

(1) Such state has an RBC provision, substantially similar to subsection 1 of section 375.1267; and

(2) The chief insurance regulatory official of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

- or
- (a) Fifteen days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state;
  - (b) The date on which the RBC plan or revised RBC plan is filed under subsection 3 or 4 of this section.”; and
- Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Englund raised a point of order that **House Amendment No. 4** goes beyond the scope of the underlying bill.

The Chair ruled the point of order not well taken.

Representative Wilson (30) offered **House Amendment No. 1 to House Amendment No. 4**.

*House Amendment No. 1  
to  
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 3, Line 24, by inserting after all of said line the following:

“375.1152. For purposes of sections 375.570 to 375.750 and 375.1150 to 375.1246, the following words and phrases shall mean:

(1) "Allocated loss adjustment expenses", those fees, costs or expenses reasonably chargeable to the investigation, negotiation, settlement or defense of an individual claim or loss or to the protection and perfection of the subrogation rights of any insolvent insurer arising out of a policy of insurance issued by the insolvent insurer. "Allocated loss adjustment expenses" shall include all court costs, fees and expenses; fees for service of process; fees to attorneys; costs of undercover operative and detective services; fees of independent adjusters or attorneys for investigation or adjustment of claims beyond initial investigation; costs of employing experts for preparation of maps, photographs, diagrams, chemical or physical analysis or for advice, opinion or testimony concerning claims under investigation or in litigation; costs for legal transcripts or testimony taken at coroner's inquests, criminal or civil proceedings; costs for copies of any public records; costs of depositions and court-reported or -recorded statements. "Allocated loss adjustment expenses" shall not include the salaries of officials, administrators or other employees or normal overhead charges such as rent, postage, telephone, lighting, cleaning, heating or similar expenses;

(2) "Ancillary state", any state other than a domiciliary state;

(3) "Creditor", a person having any claim, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed or contingent;

(4) "Delinquency proceeding", any proceeding instituted against an insurer for the purpose of liquidating, rehabilitating, reorganizing or conserving such insurer, and any summary proceeding under sections 375.1160, 375.1162 and 375.1164;

(5) "Director", the director of the department of insurance, financial institutions and professional registration;

(6) "Doing business" includes any of the following acts, whether effected by mail or otherwise:

(a) The issuance or delivery of contracts of insurance to persons resident in this state;

(b) The solicitation of applications for such contracts, or other negotiations preliminary to the execution of such contracts;

(c) The collection of premiums, membership fees, assessments, or other consideration for such contracts;

(d) The transaction of matters subsequent to execution of such contracts and arising out of them; or

(e) Operating under a license or certificate of authority, as an insurer, issued by the department of insurance, financial institutions and professional registration;

(7) "Domiciliary state", the state in which an insurer is incorporated or organized or, in the case of an alien insurer, its state of entry;

(8) "Fair consideration" is given for property or obligation:

(a) When in exchange for such property or obligation, as a fair equivalent thereof, and in good faith, property is conveyed or services are rendered or an obligation is incurred or an antecedent debt is satisfied; or

(b) When such property or obligation is received in good faith to secure a present advance or antecedent debt in an amount not disproportionately small as compared to the value of the property or obligation obtained;

- (9) "Foreign country", any jurisdiction not in the United States;
- (10) "Formal delinquency proceeding", any liquidation or rehabilitation proceeding;
- (11) "General assets", all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or classes of persons. As to specifically encumbered property, "general assets" includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and on deposit for the security or benefit of all policyholders or all policyholders and creditors, in more than a single state, shall be treated as general assets;
- (12) "Guaranty association", the Missouri property and casualty insurance guaranty association created by sections 375.771 to 375.779, as amended, the Missouri life and health insurance guaranty association created by sections 376.715 to 376.758, RSMo, as amended, and any other similar entity now or hereafter created by the laws of this state for the payment of claims of insolvent insurers. "Foreign guaranty association" means any similar entities now in existence or hereafter created by the laws of any other state;
- (13) "Insolvency" or "insolvent" means:
  - (a) For an insurer issuing only assessable fire insurance policies:
    - a. The inability to pay an obligation within thirty days after it becomes payable; or
    - b. If an assessment be made within thirty days after such date, the inability to pay such obligation thirty days following the date specified in the first assessment notice issued after the date of loss;
  - (b) For any other insurer, that it is unable to pay its obligations when they are due, or when its admitted assets do not exceed its liabilities plus the greater of:
    - a. Any capital and surplus required by law for its organization; or
    - b. The total par or stated value of its authorized and issued capital stock;
  - (c) As to any insurer licensed to do business in this state as of August 28, 1991, which does not meet the standards established under paragraph (b) of this subdivision, the term "insolvency" or "insolvent" shall mean, for a period not to exceed three years from August 28, 1991, that it is unable to pay its obligations when they are due or that its admitted assets do not exceed its liabilities plus any required capital contribution ordered by the director under any other provisions of law;
  - (d) For purposes of this subdivision "liabilities" shall include but not be limited to reserves required by statute or by the department of insurance, financial institutions and professional registration regulations or specific requirements imposed by the director upon a subject company at the time of admission or subsequent thereto;
  - (e) For purposes of this subdivision, an obligation is payable within ninety days of the resolution of any dispute regarding the obligation;
- (14) "Insurer", any person who has done, purports to do, is doing or is licensed to do insurance business as described in section 375.1150, and is or has been subject to the authority of, or to liquidation, rehabilitation, reorganization, supervision, or conservation by, any insurance department of any state. For purposes of sections 375.1150 to 375.1246, any other persons included under section 375.1150 shall be deemed to be insurers;
- (15) **"Netting agreement":**
  - (a) **A contract or agreement, including terms and conditions incorporated by reference therein, including a master agreement which master agreement, together with all schedules, confirmations, definitions and addenda thereto and transactions under any thereof, shall be treated as one netting agreement, that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration or close out under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment or delivery entitlements thereunder, including liquidation or close-out values relating to such obligations or entitlements, among the parties to the netting agreement;**
  - (b) **Any master agreement or bridge agreement for one or more master agreements described in paragraph (a) of this subdivision; or**
  - (c) **Any security agreement or arrangement or other credit enhancement or guarantee or reimbursement obligation related to any contract or agreement described in paragraph (a) or (b) of this subdivision; provided that any contract or agreement described in paragraph (a) or (b) of this subdivision relating to agreements or transactions that are not qualified financial contracts shall be deemed to be a netting agreement only with respect to those agreements or transactions that are qualified financial contracts;**
- (16) "Preferred claim", any claim with respect to which the terms of sections 375.1150 to 375.1246 accord priority of payment from the general assets of the insurer;
- (17) **"Qualified financial contract", any commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, and any similar agreement that the director determines by regulation, resolution, or order to be a qualified financial contract for the purposes of sections 375.1150 to 375.1246;**

(a) "Commodity contract", shall mean:

a. A contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a board of trade or contract market under the Commodity Exchange Act, 7 U.S.C. Section 1, et seq., or a board of trade outside the United States;

b. An agreement that is subject to regulation under Section 19 of the Commodity Exchange Act, 7 U.S.C. Section 1, et seq., and that is commonly known to the commodities trade as a margin account, margin contract, leverage account, or leverage contract;

c. An agreement or transaction that is subject to regulation under Section 4c(b) of the Commodity Exchange Act, 7 U.S.C. Section 1, et seq., and that is commonly known to the commodities trade as a commodity option;

d. Any combination of the agreements or transactions referred to in this paragraph; or

e. Any option to enter into an agreement or transaction referred to in this paragraph;

(b) "Forward contract", "repurchase agreement", "securities contract", and "swap agreement" shall have the meaning set forth in the Federal Deposit Insurance Act, 12 U.S.C. Section 1821(e)(8)(D), as amended;

[(16)] (18) "Receiver", a receiver, liquidator, administrative supervisor, rehabilitator or conservator, as the context requires;

[(17)] (19) "Reciprocal state", any state other than this state in which in substance and effect, provisions substantially similar to subsection 1 of section 375.1176 and sections 375.1235, 375.1236, 375.1240, 375.1242 and 375.1244 have been enacted and are in force, and in which laws are in force requiring that the director of the state department of insurance, financial institutions and professional registration or equivalent official be the receiver of a delinquent insurer, and in which some provision exists for the avoidance of fraudulent conveyances and preferential transfers;

[(18)] (20) "Secured claim", any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise, including a pledge of assets allocated to a separate account established pursuant to section 376.309, RSMo; but not including special deposit claims or claims against general assets. The term also includes claims which have become liens upon specific deposit claims or claims against general assets. The term also includes claims which have become liens upon specific assets by reason of judicial process;

[(19)] (21) "Special deposit claim", any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any claim secured by general assets;

[(20)] (22) "State", any state, district, or territory of the United States and the Panama Canal Zone;

[(21)] (23) "Transfer" shall include the sale and every other and different mode, direct or indirect, of disposing of or of parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily, by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be deemed a transfer suffered by the debtor.

375.1155. 1. Any receiver appointed in a proceeding under sections 375.1150 to 375.1246 may at any time apply for, and any court of general jurisdiction may grant, such restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary and proper to prevent:

- (1) The transaction of further business;
- (2) The transfer of property;
- (3) Interference with the receiver or with a proceeding under sections 375.1150 to 375.1246;
- (4) Waste of the insurer's assets;
- (5) Dissipation and transfer of bank accounts;
- (6) The institution or further prosecution of any actions or proceedings;
- (7) The obtaining of preferences, judgments, attachments, garnishments or liens against the insurer, its assets or its policyholders;
- (8) The levying of execution against the insurer, its assets or its policyholders;
- (9) The making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;
- (10) The withholding from the receiver of books, accounts, documents, or other records relating to the business of the insurer; or
- (11) Any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors or shareholders, or the administration of any proceeding under this act.

2. The receiver may apply to any court outside of the state for the relief described in subsection 1 of this section.

3. Notwithstanding anything to the contrary in this section, the commencement of a delinquency proceeding under sections 375.1150 to 375.1246 shall not operate as a stay or prohibition of any right to cause the netting, liquidation, setoff, termination, acceleration, or close out of obligations, or enforcement of any security agreement or arrangement or other credit enhancement or guarantee or reimbursement obligation, under or in connection with any netting agreement or qualified financial contract as provided for in section 375.1191.

375.1191. 1. Notwithstanding any other provision of sections 375.1150 to 375.1246, including any other provision of sections 375.1150 to 375.1246 permitting the modification of contracts, or other law of a state, no person shall be stayed or prohibited from exercising:

(1) A contractual right to cause the termination, liquidation, acceleration, or close out of obligations under or in connection with any netting agreement or qualified financial contract with an insurer because of:

(a) The insolvency, financial condition, or default of the insurer at any time, provided that the right is enforceable under applicable law other than sections 375.1150 to 375.1246; or

(b) The commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246;

(2) Any right under a pledge, security, collateral, reimbursement, or guarantee agreement or arrangement or any other similar security arrangement or arrangement or other credit enhancement relating to one or more netting agreements or qualified financial contracts;

(3) Subject to any provision of section 375.1198, any right to set off or net out any termination value, payment amount, or other transfer obligation arising under or in connection with one or more qualified financial contracts where the counterparty or its guarantor is organized under the laws of the United States or a state or a foreign jurisdiction approved by the Securities Valuation Office (SVO) of the NAIC as eligible for netting; or

(4) If a counterparty to a master netting agreement or a qualified financial contract with an insurer subject to a proceeding under sections 375.1150 to 375.1246 terminates, liquidates, closes out, or accelerates the agreement or contract, damages shall be measured as of the date or dates of termination, liquidation, close out, or acceleration. The amount of a claim for damages shall be actual direct compensatory damages calculated in accordance with subsection 6 of this section.

2. Upon termination of a netting agreement or qualified financial contract, the net or settlement amount, if any, owed by a nondefaulting party to an insurer against which an application or petition has been filed under sections 375.1150 to 375.1246 shall be transferred to or on the order of the receiver for the insurer, even if the insurer is the defaulting party, notwithstanding any walkaway clause in the netting agreement or qualified financial contract. For purposes of this subsection, the term "walkaway clause" means a provision in a netting agreement or a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation, or acceleration of the netting agreement or qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the party's status as a nondefaulting party. Any limited two-way payment or first method provision in a netting agreement or qualified financial contract with an insurer that has defaulted shall be deemed to be a full two-way payment or second method provision as against the defaulting insurer. Any such property or amount shall, except to the extent it is subject to one or more secondary liens or encumbrances or rights of netting or setoff, be a general asset of the insurer.

3. In making any transfer of a netting agreement or qualified financial contract of an insurer subject to a proceeding under sections 375.1150 to 375.1246, the receiver shall either:

(1) Transfer to one party, other than an insurer subject to a proceeding under sections 375.1150 to 375.1246, all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding, including:

(a) All rights and obligations of each party under each netting agreement and qualified financial contract; and

(b) All property, including any guarantees or other credit enhancement, securing any claims of each party under each netting agreement and qualified financial contract; or

(2) Transfer none of the netting agreements, qualified financial contracts, rights, obligations or property referred to in subdivision (1) of this subsection, with respect to the counterparty and any affiliate of the counterparty.

4. If a receiver for an insurer makes a transfer of one or more netting agreements or qualified financial contracts, then the receiver shall use its best efforts to notify any person who is party to the netting agreements or qualified financial contracts of the transfer by 12:00 noon, the receiver's local time, on the business day following the transfer. For purposes of this subsection, "business day" means a day other than a Saturday,

Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

5. Notwithstanding any other provision of sections 375.1150 to 375.1246, a receiver may not avoid a transfer of money or other property arising under or in connection with a netting agreement or qualified financial contract, or any pledge, security, collateral or guarantee agreement or any other similar security arrangement or credit support document relating to a netting agreement or qualified financial contract, that is made before the commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246. However, a transfer may be avoided pursuant to section 375.1192 if the transfer was made with actual intent to hinder, delay or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

6. (1) In exercising the rights of disaffirmance or repudiation of a receiver with respect to any netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall either:

(a) Disaffirm or repudiate all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding; or

(b) Disaffirm or repudiate none of the netting agreements and qualified financial contracts referred to in paragraph (a) of this subdivision, with respect to the person or any affiliate of the person.

(2) Notwithstanding any other provision of sections 375.1150 to 375.1246, any claim of a counterparty against the estate arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract that has not been previously affirmed in the liquidation or immediately preceding conservation or rehabilitation case shall be determined and shall be allowed or disallowed as if the claim had arisen before the date of the filing of the petition for liquidation or, if a conservation or rehabilitation proceeding is converted to a liquidation proceeding, as if the claim had arisen before the date of the filing of the petition for conservation or rehabilitation. The amount of the claim shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract. The term "actual direct compensatory damages" does not include punitive or exemplary damages, damages for lost profit or lost opportunity or damages for pain and suffering, but does include normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities or other market for the contract and agreement claims.

7. The term "contractual right" as used in this section includes any right set forth in a rule or bylaw of a derivatives clearing organization, as defined in the Commodity Exchange Act, a multilateral clearing organization, as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991, a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade, as defined in the Commodity Exchange Act, or in a resolution of the governing board thereof and any right, whether or not evidenced in writing, arising under statutory or common law, or under law merchant, or by reason of normal business practice.

8. The provisions of this section shall not apply to persons who are affiliates of the insurer that is the subject of the proceeding.

9. All rights of counterparties under sections 375.1150 to 375.1246 shall apply to netting agreements and qualified financial contracts entered into on behalf of the general account or separate accounts if the assets of each separate account are available only to counterparties to netting agreements and qualified financial contracts entered into on behalf of that separate account."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wilson (130), **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Hobbs, **House Amendment No. 4, as amended**, was adopted.

Representative Self moved the previous question.



Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Gatschenberger	Grisamore	Guernsey	Hobbs
Hoskins 121	Iceet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fischer 107	Frame	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Newman	Norr
Oxford	Pace	Quinn	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Walton Gray	Webb	Webber	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 016

Bruns	Corcoran	Fallert	Flanigan	Funderburk
Guest	Holsman	McGhee	Meadows	Meiners
Morris	Roorda	Spreng	Vogt	Walsh
Whitehead				

VACANCIES: 001

On motion of Representative Jones (89), **HCS SCS SB 777, as amended**, was adopted.

On motion of Representative Jones (89), **HCS SCS SB 777, as amended**, was read the third time and passed by the following vote:

AYES: 092

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Colona	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flook	Franz	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kratky	Kraus	Lair	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Salva	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Schoemehl	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tracy	Viebrock	Wallace	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 054

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Conway	Curls	Englund	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kuessner	Lampe	LeVota	Low
McClanahan	McDonald	McNeil	Newman	Norr
Oxford	Pace	Quinn	Rucker	Sander
Scavuzzo	Schieffer	Schupp	Shively	Skaggs
Still	Storch	Talboy	Todd	Walton Gray
Webb	Webber	Whitehead	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 016

Corcoran	Fallert	Flanigan	Funderburk	Hughes
McGhee	McNary	Meadows	Meiners	Morris
Roorda	Spreng	Tilley	Vogt	Walsh
Wasson				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS SCS SB 583**, relating to insurance regulation, was taken up by Representative Hobbs.

Representative Hobbs offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 56, Section 376.882, Line 7, by deleting the word, “**verbal**,”; and

Further amend said bill, Page 58, Section 376.1109, Line 81, by deleting the word, “**verbal**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hobbs, **House Amendment No. 1** was adopted.

Representative Burnett offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Pages 65 and 66, Sections 452.430, 454.515 and 525.233, by removing all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burnett, **House Amendment No. 2** was adopted.

Representative Stream offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 1, Section A, Line 9, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

(1) **For a period of three years from the date services were provided or rendered; however, an entity:**

(a) **Shall not be required to reimburse for items or services which are not covered under MO HealthNet;**

(b) **Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;**

(c) **Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;**

(d) **Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and**

**(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their

persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

- (1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;
- (2) Total funds available for settlement; and
- (3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stream, **House Amendment No. 3** was adopted.

Representative Wilson (130) offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Pages 10 to 22, Sections 337.300, 337.305, 337.310, 337.315, 337.320, 337.325, 337.330, 337.335, 337.340, and 337.345, by deleting all of said sections from the bill; and

Further amend said bill, Pages 58 to 65, Section 376.1224, by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wilson (130), **House Amendment No. 4** was adopted.

Representative Hobbs offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 36, Section 375.1175, Line 28, by inserting after all of said line the following:

**“375.1191. 1. Notwithstanding any other provision of sections 375.1150 to 375.1246, including any provision permitting the modification of contracts, or other law of a state, no person shall be stayed or prohibited from exercising:**

**(1) A contractual right to cause the termination, liquidation, or acceleration or close out of obligations under or in connection with any netting agreement or qualified financial contract with an insurer because of:**

**(a) The insolvency, financial condition, or default of the insurer at any time; provided that the right is enforceable under applicable law other than sections 375.1150 to 375.1246; or**

**(b) The commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246;**

(2) Any right under a pledge, security, collateral, reimbursement, or guarantee agreement or arrangement or any similar security agreement or arrangement or other credit enhancement relating to one or more netting agreements or qualified financial contracts;

(3) Subject to any provision of section 375.1198, any right to set off or net out any termination value, payment amount, or other transfer obligation arising under or in connection with one or more qualified financial contracts where the counterparty or its guarantor is organized under the laws of the United States or a foreign jurisdiction approved by the Securities Valuation Office (SVO) of the NAIC as eligible for netting; or

(4) If a counterparty to a master netting agreement or qualified financial contract with an insurer subject to a proceeding under sections 375.1150 to 375.1246 terminates, liquidates, closes out, or accelerates the agreement or contract, damages shall be measured as of the date or dates of termination, liquidation, close out, or acceleration. The amount of a claim for damages shall be actual direct compensatory damages calculated in accordance with subsection 6 of this section.

2. (1) Upon termination of a netting agreement or qualified financial contract, the net or settlement amount, if any, owed by a nondefaulting party to an insurer against which an application or petition has been filed under sections 375.1150 to 375.1246 shall be transferred to or on the order of the receiver for the insurer, even if the insurer is the defaulting party, notwithstanding any walkaway clause in the netting agreement or qualified financial contract.

(2) For purposes of this subsection, "walkaway clause" means a provision in a netting agreement or qualified financial contract that, after calculation of a value of a party's position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation, or obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the party's status as a nondefaulting party.

(3) Any limited two-way payment or first method provision in a netting agreement or qualified financial contract with an insurer that has defaulted shall be deemed to be a full two-way payment or second method provision as against the defaulting insurer. Any such property or amount shall, except to the extent it is subject to one or more secondary liens or encumbrances or rights of netting or setoff, be a general asset of the insurer.

3. In making any transfer of a netting agreement or qualified financial contract of an insurer subject to a proceeding under sections 375.1150 to 375.1246, the receiver shall either:

(1) Transfer to one party, other than an insurer subject to a proceeding under sections 375.1150 to 375.1246, all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding, including:

(a) All rights and obligations of each party under each netting agreement and qualified financial contract; and

(b) All property, including any guarantees or other credit enhancement, securing any claims of each party under each netting agreement and qualified financial contract; or

(2) Transfer none of the netting agreements, qualified financial contracts, rights, obligations, or property referred to in subdivision (1) of this subsection with respect to the counterparty and any affiliate of the counterparty.

4. If a receiver for an insurer makes a transfer of one or more netting agreements or qualified financial contracts, the receiver shall use its best efforts to notify any person who is party to the netting agreements or qualified financial contracts of the transfer by noon, the receiver's local time, on the business day following the transfer. For purposes of this subsection, "business day" means a day other than a Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

5. Notwithstanding any other provision of sections 375.1150 to 375.1246, a receiver shall not avoid a transfer of money or other property arising under or in connection with a netting agreement or qualified financial contract, or any pledge, security, collateral, or guarantee agreement or any other similar security arrangement or credit support document relating to a netting agreement or qualified financial contract, that is made before the commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246. However, a transfer may be avoided under section 375.1182 if the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

6. (1) In exercising the rights of disaffirmance or repudiation of a receiver with respect to any netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall either:

(a) Disaffirm or repudiate all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding; or

(b) Disaffirm or repudiate none of the netting agreements and qualified financial contracts referred to in paragraph (a) of this subdivision with respect to the person or any affiliate of the person.



(2) Notwithstanding any other provision of sections 375.1150 to 375.1246, any claim of a counterparty against the estate arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract that has not been previously affirmed in the liquidation or immediately preceding conservation or rehabilitation case shall be determined and shall be allowed or disallowed as if the claim had arisen before the date of the filing of the petition for liquidation or, if a conservation or rehabilitation proceeding is converted to a liquidation proceeding, as if the claim had arisen before the date of the filing of the petition for conservation or rehabilitation. The amount of the claim shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract. Actual direct compensatory damages does not include punitive or exemplary damages, damages for lost profit or lost opportunity or damages for pain and suffering, but does include normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities, or other market for the contract and agreement claims.

7. Contractual right, as used in this section, includes any right set forth in a rule or bylaw of a derivatives clearing organization as defined in the Commodity Exchange Act, a multilateral clearing organization as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991, a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade as defined in the Commodity Exchange Act, or in a resolution of the governing board thereof and any right, whether or not evidenced in writing, arising under statutory or common law, or under law merchant, or by reason of normal business practice.

8. The provisions of this section shall not apply to persons who are affiliates of the insurer that is the subject of the proceeding.

9. All rights of counterparties under sections 375.1150 to 375.1246 shall apply to netting agreements and qualified financial contracts entered into on behalf of the general account or separate accounts if the assets of each separate account are available only to counterparties to netting agreements and qualified financial contracts entered into on behalf of such separate account.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hobbs, **House Amendment No. 5** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley

Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Newman
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 010

Bruns	Corcoran	Flanigan	Frame	Holsman
LeBlanc	McGhee	Morris	Spreng	Vogt

VACANCIES: 001

On motion of Representative Hobbs, **HCS SCS SB 583, as amended**, was adopted.

On motion of Representative Hobbs, **HCS SCS SB 583, as amended**, was read the third time and passed by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Emery	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka

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Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schlottach	Schoemehl	Schupp
Self	Shively	Silvey	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Todd	Tracy	Viebrock	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 009

Davis	Dethrow	Dugger	Ervin	Frame
Koenig	Low	Skaggs	Still	

PRESENT: 000

ABSENT WITH LEAVE: 020

Burnett	Casey	Corcoran	Flanigan	Hoskins 80
Hoskins 121	Hughes	LeBlanc	McGhee	Morris
Nasheed	Schieffer	Schoeller	Smith 14	Spreng
Talboy	Tilley	Vogt	Wallace	Wright

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dusenberg	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flook	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber

Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 014

Burnett	Davis	Dethrow	Dugger	Emery
Ervin	Frame	Hughes	Koenig	Low
Schad	Schoeller	Skaggs	Smith 150	

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Flanigan	LeBlanc	McGhee	Morris
Spreng	Vogt			

VACANCIES: 001

**HCS SCS SB 808**, relating to political subdivisions, was taken up by Representative Sutherland.

Representative Sutherland offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 67.2000, Page 13, Line 237, by inserting after all of said section the following:

"86.252. 1. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member's required beginning date. The general required beginning date of a member's benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

2. All distributions required pursuant to this section prior to January 1, 2003, shall be determined and made in accordance with the income tax regulations under Section 401(a)(9) of the Internal Revenue Code in effect prior to January 1, 2003, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

- (1) The life of the member;
- (2) The life of the member and a designated beneficiary;
- (3) A period certain not extending beyond the life expectancy of the member; or
- (4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

3. (1) This subsection shall apply for purposes of determining required minimum distributions for calendar years beginning on and after January 1, 2003, and shall take precedence over any inconsistent provisions of section 86.200 to 86.366. All distributions required under this subsection shall be determined and made in accordance with the United States Treasury regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(2) (a) The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date.

(b) If the member dies before distributions begin, the member's entire interest shall be distributed or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died, or by December thirty-first of the calendar year in which the member would have attained age seventy and one-half years, if later;

b. If the member's surviving spouse is not the member's sole designated beneficiary, distributions to the designated beneficiary shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died;

c. If there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, the member's entire interest shall be distributed by December thirty-first of the calendar year containing the fifth anniversary of the member's death;

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distribution to the surviving spouse begins, this paragraph, except for subparagraph a. of this paragraph, shall apply as if the surviving spouse were the member. For purposes of this paragraph and subdivision (5) of this subsection, distributions shall be considered to begin on the member's required beginning date, or if subparagraph d. of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date of distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph, the date of distributions shall be considered to begin the date distributions actually commence.

(c) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions shall be made in accordance with subdivisions (3), (4), and (5) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and the United States Treasury regulations.

(3) (a) If the member's interest is paid in the form of annuity distributions under sections 86.200 to 86.366, payments under the annuity shall satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;

b. The distribution period shall be over a life or lives, or over a period certain not longer than the period described in subdivision (4) or (5) of this subsection;

c. Once payments have begun over a period certain, the period certain shall not be changed even if the period certain is shorter than the maximum permitted;

d. Payments shall either be nonincreasing or increase only as [follows:

(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the federal Bureau of Labor Statistics;

(ii) To the extent of the reduction in the amount of the member's payments to provide for a surviving benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subdivision (4) of this subsection dies or is no longer the member's beneficiary under a qualified domestic relations order with the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended;

(iii) To provide cash refunds of employee contributions upon the member's death; or

(iv) To pay increased benefits that result from a revision of sections 86.200 to 86.366] **permitted under Q&A of Section 1.401(a)(9)-6 of the United States Treasury regulations.**

(b) The amount distributed on or before the member's required beginning date, or if the member dies before distribution begins, the date distributions are required to begin under subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if the payment interval ends in the next calendar year. "Payment intervals" means the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(c) Any additional benefits accruing to the member in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(4) (a) If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death shall not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the United States Treasury regulations.

(b) The period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9

of the United States Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age seventy, the applicable distribution period for the member shall be the distribution period for age seventy under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations plus the excess of seventy over the age of the member as of the member's birthday in the year that contained the annuity starting date.

(5) (a) If the member dies before the date distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest shall be distributed, beginning no later than the time described in subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) If the member dies before the date distributions begin and there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, distribution of the member's entire interest shall be completed by December thirty-first of the calendar year containing the fifth anniversary of the member's death.

(c) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subdivision shall apply as if the surviving spouse were the member; except that, the time by which distributions shall begin shall be determined without regard to subparagraph a. of paragraph (b) of subdivision (2) of this subsection.

(6) As used in this subsection, the following terms mean:

(a) "Designated beneficiary", the surviving spouse or the individual who is designated as the beneficiary under subdivision (4) of section 86.200 or any individual who is entitled to receive death benefits under section 86.283 or 86.287 and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and Section 1.401(a)(9)-1, Q&A-4 of the United States Treasury regulations;

(b) "Distribution calendar year", a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin under paragraph (b) of subdivision (2) of this subsection;

(c) "Life expectancy", life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the United States Treasury regulations;

(d) "Required beginning date", April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

(7) Notwithstanding any provision in this subsection to the contrary:

(a) A distribution for calendar years 2003, 2004, and 2005 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the payments do not satisfy Section 1.401(a)(9)-1, Q&A-1 to Q&A-16 of the United States Treasury regulations, provided the payments satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and

(b) [In the case of an annuity distribution option provided under the terms of sections 86.200 to 86.366 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the annuity payments do not satisfy the requirements of Section 1.401(a)(9)-1, Q&A-1 to Q&A-15 of the United States Treasury regulations, provided the distribution option satisfies Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, based on a reasonable and good faith interpretation of the provisions of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended] **Under Section 1.401(a)(9)-1, Q&A-2 of the United States Treasury regulations, the plan shall be treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the plan if the plan complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.**

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) "Direct rollover", a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) "Distributee", a member, a surviving spouse or a spouse **or, effective for distributions made on or after January 1, 2010, a nonspouse beneficiary;**

(3) "Eligible retirement plan", an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, [2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code] **2008, a Roth IRA as described in Section 408 of the Internal Revenue Code of 1986, as amended, provided that for distributions made on or after January 1, 2010, to a nonspouse beneficiary, an eligible retirement plan shall include only an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, or a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended, that is an inherited individual retirement account or annuity under Section 408 of the Internal Revenue Code of 1986, as amended;**

(4) "Eligible rollover distribution", any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) Effective for distributions made on or after January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, **for distributions made before January 1, 2007, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; for distributions made on or after January 1, 2007, such portion may also be transferred to an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, or to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; and for distributions made on or after January 1, 2008, such portion may also be transferred to a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended.**

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

5. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, in no event shall the trustees pay an eligible rollover distribution in the amount of five thousand dollars or less to a member or retired member who

has not attained age sixty-two unless such member or retired member consents in writing either to receive such distribution in cash or to have such distribution directly rolled over in accordance with the provisions of this section.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. Effective for limitation years beginning after December 31, 2001, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the [lesser of:

(1) One hundred percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, for the limitation year; or

(2) Forty thousand dollars, as adjusted for increases in the cost of living under Section 415(d) of the Internal Revenue Code.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations] **amount specified in Section 415(c) of the Internal Revenue Code of 1986, as amended, as adjusted for any applicable increases in the cost of living under Section 415(d) of the Internal Revenue Code of 1986, as amended, as in effect on the last day of the plan year.**

[4.] 3. For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants employed by a police or fire department, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2[, 3, and 4] **and 3** of this section, effective January 1, 2002, the plan shall accept a member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state **and that would otherwise be includable in gross income.** The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income. **The plan shall accept a member's direct rollover of an eligible rollover distribution made on or after October 1, 2010, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code of 1986, as amended, or an annuity contract described in 403(b) of the Internal Revenue Code of 1986, as amended, that includes after-tax employee contributions (other than Roth contributions described in Section 402A of the Internal Revenue Code of 1986, as amended) that are not includable in gross income and shall separately account for such after-tax amounts.**

2. **Except to the extent specifically permitted under procedures established by the board of trustees,** the amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of **an** eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

[4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.]

**86.295. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, if a member dies on or after January 1, 2007, while performing qualified military service (as defined in Section 414(u)(5) of the Internal Revenue Code of 1986, as amended) the member's surviving spouse or other dependents shall be entitled to any benefits (other than benefit increases relating to the period of qualified military service) and the rights and**



**features associated with those benefits which would have been provided under sections 86.280 and 86.290 if the member had returned to service as a police officer and died while in active service.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sutherland, **House Amendment No. 1** was adopted.

Representative Conway offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 7, Section 67.1360, Line 129, by inserting immediately after said line the following:

"67.1361. 1. The governing body of any county of the first classification without a charter form of government and with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants and the governing body of any home rule city with more than seventy-three thousand nine hundred but less than seventy-four thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than eight percent per occupied room or slip per night, except that such tax shall not become effective unless the governing body of the county or city submits to the voters of the county or city at a state general, primary or special election, a proposal to authorize the governing body of the county or city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county for funding the promotion of tourism and convention facilities **including capital expenditures therefor**. Such tax shall be stated separately from all other charges and taxes.

2. Any tax imposed by a county pursuant to subsection 1 of this section shall apply only to unincorporated areas of such county.

3. The question shall be submitted in substantially the following form:

Shall the ..... (city or county) levy a tax of ..... percent on each sleeping room or campsite occupied and rented by transient guests and any docking facility which rents slips to recreational boats which are used by transients for sleeping in the ..... (city or county), where the proceeds of which shall be expended for promotion of tourism and convention facilities?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city or county shall have no power to impose the tax authorized by this section unless and until the governing body of the city or county again submits the question to the qualified voters of the city or county and such question is approved by a majority of the qualified voters voting on the question.

4. On and after the effective date of any tax authorized under the provisions of this section, the city or county may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city or county may adopt rules and regulations for the internal collection of such tax by the city or county officers usually responsible for collection and administration of city or county taxes; or

(2) The city or county enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city or county enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section. The tax authorized under the provisions of this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

5. If a tax is imposed by a city or county under this section, the city or county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

6. As used in this section "transient guests" means a person or persons who occupy room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill, Page 13, Section 67.2000, Line 237, by inserting immediately after said line the following:

"70.220. 1. Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision.

2. Any municipality or political subdivision of this state may contract with one or more adjacent municipalities or political subdivisions to share the tax revenues of such cooperating entities that are generated from real property and the improvements constructed thereon, if such real property is located within the boundaries of either or both municipalities or subdivisions and within three thousand feet of a common border of the contracting municipalities or political subdivisions. The purpose of such contract shall be within the scope of powers of each municipality or political subdivision. Municipalities or political subdivisions separated only by a public street, easement, or right-of-way shall be considered to share a common border for purposes of this subsection.

3. **Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants may contract with any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants to share tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities. In the event an agreement for the distribution of tax revenues is entered into between a county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants and a home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, then all revenue received from such taxes shall be distributed in accordance with the terms of said agreement. For purposes of this subsection, the term "tax revenues" shall include tax revenues generated from the imposition of a transient guest tax imposed under the provisions of section 67.1361.**

4. If any contract or cooperative action entered into under this section is between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, such contract or cooperative action shall be approved by the governing body of the unit of government in which such elective or appointive official resides.

[4.] 5. In the event an agreement for the distribution of tax revenues is entered into between a county of the first classification without a charter form of government and a constitutional charter city with a population of more than one hundred forty thousand that is located in said county prior to a vote to authorize the imposition of such tax, then all revenue received from such tax shall be distributed in accordance with said agreement for so long as the tax remains in effect or until the agreement is modified by mutual agreement of the parties."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Conway, **House Amendment No. 2** was adopted.

Representative Brown (30) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808 Page 24, Section 473.742, Line 63, by inserting after all of said line the following:

"537.620. Notwithstanding any direct or implied prohibitions in chapter 375, RSMo, 377, RSMo, or 379, RSMo, any three or more political subdivisions of this state may form a business entity for the purpose of providing liability and all other insurance, including insurance for elderly or low-income housing in which the political subdivision has an insurable interest, for any of the subdivisions upon the assessment plan as provided in sections 537.600 to

537.650. Any public governmental body or quasi-public governmental body, as defined in section 610.010, RSMo, and any political subdivision of this state or any other state may join this entity and use public funds to pay any necessary assessments. Except for being subject to the regulation of the director of the department of insurance, financial institutions and professional registration under sections 375.930 to 375.948, RSMo, sections 375.1000 to 375.1018, RSMo, and sections 537.600 to 537.650, any such business entity shall not be deemed to be an insurance company or insurer under the laws of this state, and the coverage provided by such entity and the administration of such entity shall not be deemed to constitute the transaction of an insurance business. **Risk coverages procured under this section shall not be deemed to constitute a contract, purchase, or expenditure of public funds for which a public governmental body, quasi-public governmental body, or political subdivision is required to solicit competitive bids.**”; and

Further amend said bill, Section B, Page 24, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to Section 59.033 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brown (30), **House Amendment No. 3** was adopted.

Representative Webber offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

"67.402. 1. The governing body of **the following counties may enact nuisance abatement ordinances as provided in this section:**

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] **fewer** than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

(4) **Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

(5) **Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.**

2. **The governing body of any county described in subsection 1 of this section** may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, **tires, storm water runoff conditions resulting in damage to buildings or infrastructure**, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] 3. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee,

mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] 4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Silvey offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1  
to  
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 3, Line 31, by inserting after all of said line the following:

'Further amend said bill, Page 24, Section B, Lines 3 and 6, by inserting immediately after the word "act" the following: "except section 94.577" '; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Silvey, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Webber, **House Amendment No. 4, as amended**, was adopted.

Representative Nolte offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237, by inserting the following after all of said line:

"67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Facility", a location composed of real estate, buildings, fixtures, machinery, and equipment;

- (2) "Municipality", any county, city, incorporated town, or village of the state;
  - (3) "NAICS", the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;
  - (4) "Technology business facility", a facility purchased, constructed, extended, or improved under this section, provided that such business facility is engaged in:
    - (a) Data processing, hosting, and related services (NAICS 518210); or
    - (b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;
  - (5) "Technology business facility project" or "project", the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility's components of real estate, buildings, fixtures, machinery, and equipment.
2. The governing body of any municipality may:
    - (1) Carry out technology business facility projects for economic development under this section;
    - (2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and
    - (3) Receive gifts and donations from private sources to be used for technology business facility project purposes.
  3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.
  4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.
  5. Leasehold interests granted and held under this section shall not be subject to property taxes.
  6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.
  7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.
  8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost."; and

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) "Average wage", the new payroll divided by the number of new jobs;  
 (2) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

(4) **"Certified site zone", an area of real property that:**

(a) **Encompasses not less than fifty acres that has been approved as a certified site by the department;**  
 (b) **Has been found to be blighted by the governing authority; and**  
 (c) **Is located in one or more census tracts which according to the United States Census Bureau's last decennial census has a poverty rate of fifteen percent or more, or for which the median household income that is less than:**

**a. Statewide median household income; or**

**b. The metropolitan median household income for the metropolitan statistical area in which the certified site zone is located;**

(5) **"Certified site", an area of property designated as a certified site by the department under the certified sites program;**

(6) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

[(5)] (7) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

[(6)] (8) "Department", the department of economic development;

[(7)] (9) "Director", the director of the department of economic development;

(10) **"Dormant manufacturing plant zone", an area of real property:**

(a) **Encompassing not less than two hundred fifty acres that, within five years of the date of the notice of intent, was predominantly used for manufacturing or assembly and employed not less than three thousand persons but has since ceased all activity;**

(b) **That has been found, by an ordinance adopted by the governing body, to be a blighted area and designated for redevelopment; and**

(c) **That:**

**a. Is located in a census tract with, according to United States Census Bureau's American Community Survey based on the most recent of five-year period estimated data in which the estimate ends in either zero or five, a poverty rate of fifteen percent or more, or the median household income is below the statewide median household income or the metropolitan median household income for the metropolitan statistical area in which the property is located; or**

**b. Involves funding provided by a federal agency of at least one million dollars to facilitate the redevelopment of such property;**

[(8)] (11) "Employee", a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

[(9)] (12) "Enhanced business enterprise", an industry or one of a cluster of industries that is either:

(a) **Identified by the department as critical to the state's economic security and growth, or in the case of a business enterprise located in a certified site zone, will also include data processing, hosting, and related services (NAICS 518210) and internet publishing, broadcasting, and web search portals (NAICS 519130); or**

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved **or deemed approved** by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

[(10)] (13) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

[(11)] (14) "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

[(12)] (15) "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

[(13)] (16) "Facility base payroll", the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

[(14)] (17) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

[(15)] (18) "Megaproject", any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

[(16)] (19) "NAICS", the [1997] **2007** edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

[(17)] (20) "New business facility", a facility that satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the

transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision [(25)] **(28)** of this section;

[(18)] **(21)** "New business facility employee", an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 **or section 135.969** is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

[(19)] **(22)** "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by **section 135.967 or 135.969** is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

[(20)] **(23)** "New job", the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(21)] **(24)** "Notice of intent", a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise's intent to hire new jobs and request benefits under such program;

[(22)] **(25)** "Related facility", a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

[(23)] **(26)** "Related facility base employment", the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

[(24)] **(27)** "Related taxpayer":

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)] **(28)** "Replacement business facility", a facility otherwise described in subdivision [(17)] **(20)** of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and



(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision [(19)] (22) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 **or 135.969** are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] (29) "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and  
 (2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

**4. Notwithstanding the requirements of subsection 1 of this section to the contrary, a certified site zone or a dormant manufacturing plant zone may be designated as an enhanced enterprise zone if the certified site zone or dormant manufacturing plant zone meets the criteria set forth in subdivision (4) of section 135.950 or the dormant manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.**

5. In addition to meeting the requirements of subsection 1, 2, 3, or [3] 4 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

(1) The potential to create sustainable jobs in a targeted industry; or

(2) A demonstrated impact on local industry cluster development.

135.957. 1. A governing authority planning to seek designation of an enhanced enterprise zone shall establish an enhanced enterprise zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation as an enhanced enterprise zone. One member of the board shall be appointed by other affected taxing districts. The remaining five members shall be chosen by the chief elected official of the county or municipality.

2. The school district member and the affected taxing district member shall each have initial terms of five years. Of the five members appointed by the chief elected official, two shall have initial terms of four years, two shall have initial terms of three years, and one shall have an initial term of two years. Thereafter, members shall serve terms of five years. Each commissioner shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

3. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

4. The members of the board annually shall elect a chair from among the members.

5. **In the case of a certified site zone or a dormant manufacturing plant zone regarding which a finding of blight has been made as provided in subdivision (1) of subsection 1 of section 99.810, the commission created under section 99.820 may, at the sole option of the governing authority, supplant and replace the board established in accordance with subsection 1 of this section, and the composition and organization of such commission shall be in accordance with section 99.820. If the governing authority elects for such commission to serve in the capacity of the enhanced enterprise zone board instead of the board established in accordance with subsection 1 of this section, the commission shall fulfill the duties of the board established under subsection 6 of this section.**

6. The role of the board **or commission, as described in subsection 5 of this section**, shall be to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone and any other advisory duties as determined by the governing authority. The role of the board after the designation of an enhanced enterprise zone shall be review and assessment of zone activities as it relates to the annual reports as set forth in section 135.960.

135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing. **In the alternative, any governing authority that has made the necessary findings by ordinance to designate a certified site zone or a dormant manufacturing plant zone as a blighted area as contemplated under subdivision (1) of subsection 1 of section 99.820, prior to December 31, 2010, shall not be required to conduct an additional public hearing to establish the certified site zone or the dormant manufacturing plant zone as an enhanced enterprise zone so long as the governing authority notified the director of such hearing, at least thirty days prior thereto. Any governing authority that seeks to make the necessary finding to designate a certified site zone or a dormant manufacturing plant zone as an enhanced enterprise zone after December 31, 2010, may do so under a public hearing required under sections 99.820 and 99.825 conducted by the commission, and such public hearing shall satisfy the public hearing requirement set forth in subsection 1 of this section so long as the governing authority shall notify the director of such hearing at least thirty days prior thereto.**

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may file a petition with the department requesting the designation of a specific area as an enhanced enterprise zone. Such petition shall include, in addition to a description of the physical, social, and economic characteristics of the area:

- (1) A plan to provide adequate police protection within the area;
- (2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;
- (3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall be effective upon such approval **or deemed approval** by the department and shall expire in twenty-five years. **Notwithstanding the requirement of subsection 2 of this section to the contrary, any certified site zone or dormant manufacturing plant zone that has been designated as a blighted redevelopment area as contemplated under subdivision (1) of subsection 1 of section 99.820 by the governing body or any certified site zone or dormant manufacturing plant zone that has been otherwise designated as an enhanced enterprise zone by the governing authority under this section shall be deemed approved and designated as an enhanced enterprise zone without further approval of or additional action being taken by the department. Such approval of the department of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone and the designation of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone shall be deemed effective when the governing authority provides written notice to the department of its intent to establish such enhanced enterprise zone and such notice is accompanied with a petition that includes all of the information required by subsection 2 of this section.**

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.

135.963. 1. Improvements made to real property as such term is defined in section 137.010, RSMo, which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated **or deemed approved** by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042, RSMo, and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, RSMo, subdivision (2) of subsection 3 of section 99.957, RSMo, or subdivision (2) of subsection 3 of section 99.1042, RSMo, unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027, RSMo.

**8. As applicable, before the provisions of subdivision (7) of subsection 3 of section 137.115 become effective in an enhanced enterprise zone, each local political subdivision that currently levies an ad valorem tax on tangible personal property within the boundaries of the enhanced enterprise zone shall adopt a resolution providing that the provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to tangible personal property in such case.**

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by the department, be allowed a credit, each tax year for up to ten tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. No taxpayer shall receive multiple [ten-year] **five-year** periods for subsequent expansions at the same facility. **Notwithstanding the provisions of this subsection, the provisions of section 135.969 shall govern the issuance of tax credits for a new business facility in a certified site zone or dormant manufacturing plant zone approved and designated as an enhanced enterprise zone, except for the amount of tax credits to be issued with respect to such certified site zone or dormant manufacturing plant zone as provided in subsection 5 of this section.**

2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in an enhanced enterprise zone and is awarded state tax credits under this section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not simultaneously receive tax credits under sections 620.1875 to 620.1890, RSMo, at the same facility.

3. No credit shall be issued pursuant to this section unless:

(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; and

(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds one hundred thousand dollars.

4. The annual amount of credits allowed for an approved enhanced business enterprise shall be the lesser of:

(1) The annual amount authorized by the department for the enhanced business enterprise, which shall be limited to the projected state economic benefit, as determined by the department; or

(2) [The sum calculated based upon] **An amount not to exceed the sum of the following:**

(a) [A credit of four hundred dollars for each new business facility employee employed within an enhanced enterprise zone;

(b) An additional credit of four hundred dollars for each new business facility employee who is a resident of an enhanced enterprise zone] **A tax credit up to five percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to three percent; and**

**(b) A tax credit up to one percent of new business facility investment within an enhanced enterprise zone made during the current taxable year if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to one-half percent;**

(c) An additional credit of four hundred dollars for each new business facility employee who is paid by the enhanced business enterprise a wage that exceeds the average wage paid within the county in which the facility is located, as determined by the department; and

(d) A credit equal to two percent of new business facility investment within an enhanced enterprise zone.

5. Prior to January 1, 2007, in no event shall the department authorize more than four million dollars annually to be issued for all enhanced business enterprises. After December 31, 2006, in no event shall the department authorize more than twenty-four million dollars annually to be issued for all enhanced business enterprises **including any such**

**enhanced business enterprises located in certified site zones or dormant manufacturing plant zones under section 135.969.**

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision [(19)] (22) of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] (20) of section 135.950, or subdivision [(25)] (28) of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. In the case where a new business facility employee who is a resident of an enhanced enterprise zone for less than a twelve-month period is employed for less than a twelve-month period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section shall be determined by multiplying four hundred dollars by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed, in which the employee was a resident of an enhanced enterprise zone, and the denominator of which is three hundred sixty-five.

9. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] (20) of section 135.950 or subdivision [(25)] (28) of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision [(19)] (22) of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

10. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

11. Credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

12. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

13. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

14. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or

penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

**135.969. 1. A taxpayer who establishes a new business facility in a certified site zone or a dormant manufacturing plant zone approved or designated as an enhanced enterprise zone shall receive a tax credit each tax year for five tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple five-year periods for subsequent expansions at the same facility.**

**2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in a certified site zone or dormant manufacturing plant zone approved or designated as an enhanced enterprise zone and accepts state tax credits under this section shall not also receive tax credits or other benefits for the same new jobs under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, section 135.967, or sections 620.1875 to 620.1890 unless such benefits are determined to be necessary by the department.**

**3. The taxpayer shall be entitled to receive the tax credit upon satisfaction of one of the following criteria:**

**(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds nine; and**

**(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds five hundred thousand dollars.**

**4. The annual amount of tax credits to be issued for an enhanced business enterprise located in a certified site zone or dormant manufacturing plant zone shall be equal to the lesser of:**

**(1) The annual amount of projected state economic benefit for such enhanced business enterprise, as determined by the department; or**

**(2) An annual amount equal to the sum of the following:**

**(a) A tax credit equal to seven percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to four percent; and**

**(b) A tax credit equal to two percent of new business facility investment within an enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to one percent.**

**5. As set forth in section 135.967, up to twenty-four million dollars of tax credits shall be authorized annually for issuance of tax credits for all enhanced enterprise zones including any tax credits issued with respect to certified site zones and dormant manufacturing plant zones of which ten million shall be used exclusively for tax credits attributable to taxpayers in accordance with this section who establish new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950, provided that for calendar years 2010 and 2011, the ten million dollar limitation may be reduced to equal the balance of tax credits available under the entire program if, as of August 28, 2010, the department has made irrevocable allocations to qualified applicants for tax credits under section 135.967 such that the total of all available tax credit capacity of this program is less than ten million dollars. Beginning January 1, 2011, if no such taxpayer or taxpayers have applied for tax credits attributable to new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950 by November fifteenth of each calendar year for the entire ten million dollars, or such lesser amount as computed for calendar years 2010 and 2011, any remaining tax credits for which an application has not been made will be available for issuance for all enhanced enterprise zones for that calendar year. If a new business facility investment in a certified site zone qualified as such under subdivision (4) of section 135.950 qualifies the taxpayer for tax credits under subsection 4 of this section, in excess of the available annual authorization limit set forth in this subsection, the taxpayer may carry such excess new business facility investment amount forward**

to subsequent years and such excess shall be treated as a new business facility investment for such later taxable years until the taxpayer has received issuance of all tax credits authorized under this section, and, for each such taxable year, the taxpayer shall receive such tax credits on a pro rata basis with other applicants for the tax credits if there are other applicants.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds five hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision (22) of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision (22) of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

9. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

10. Except as allowed in subsection 5 of this section, credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

11. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

12. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

13. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application

**for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property



shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
- (2) Livestock, twelve percent;
- (3) Farm machinery, twelve percent;
- (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; [and]

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent; **and**

**(7) In any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, tools, telecommunications equipment, power production and transmission machinery and equipment, data processing machinery and equipment, and other machinery and equipment that is used in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of one percent.**

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

144.054. 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed

in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business, **and all tangible personal property, including tools, telecommunications equipment, power production and transmission machinery and equipment and data processing machinery and equipment, and any other tools, materials, machinery, or equipment used or consumed in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950.**

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo.

**144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:**

(1) **"Commencement of commercial operations"**, shall be deemed to occur during the first calendar year for which the data storage center or server farm facility is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center or server farm facility;

(2) **"Constructing taxpayer"**, where more than one taxpayer is responsible for a project, a taxpayer responsible for the purchase or construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) **"Data storage center" or "server farm facility" or "facility"**, a facility purchased, constructed, extended, improved or operating under this section, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(4) **"Existing facility"**, a data storage center or server farm facility in this state as it existed prior to August 28, 2010, as determined by the department;

(5) **"Expanding facility" or "expanding data storage center or server farm facility"**, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2010, and has net new investment related to the expansion of operations in this state of at least one million dollars during a period of up to twelve consecutive months. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(6) **"Expanding facility project" or "expanding data storage center or server farm facility project"**, the purchase, construction, extension, improvement equipping and operation of an expanding facility;

(7) **"NAICS"**, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(8) **"New facility" or "new data storage center or server farm facility"**, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2010. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2010, if the transfer of title to an operating taxpayer, the transfer of possession pursuant to a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2010, or, if the facility is constructed, erected or installed by or on behalf of an operating taxpayer, such construction, erection or installation is commenced on or after August 28, 2010;

(b) If such facility was acquired by an operating taxpayer from another person or persons on or after August 28, 2010, and such facility was employed prior to August 28, 2010, by any other person or persons in the operation of a data storage center or server farm facility, the facility shall not be considered a new facility;

(c) Such facility is not a replacement facility, as defined in subdivision (12) of this section;

(d) The new facility project investment is at least five million dollars during a period of up to thirty-six consecutive months. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer or a combination of constructing taxpayers and operating taxpayers; and

(e) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(9) "New data storage center or server farm facility project" or "new facility project", the purchase, construction, extension, improvement equipping and operation of a new facility;

(10) "Operating taxpayer", where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(11) "Project taxpayers", each constructing taxpayer and each operating taxpayer for a data storage center or server farm facility project;

(12) "Replacement facility" or "replacement data storage center or server farm facility", a facility in this state otherwise described in subdivision (8) of this section, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(13) "Taxpayer", the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in a new data storage center or server farm facility;

(2) All machinery, equipment, and computers used in any new data storage center or server farm facility; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any new data storage center or server farm facility.

3. Any data storage center and server farm facility project seeking a tax exemption under subsection 2 of this section shall submit a project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The department of economic development shall determine whether the project is eligible for the exemption under subsection 2 of this section conditional upon subsequent verification by the department that the project meets the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least five million dollars of new facility investment over a time period not to exceed thirty-six consecutive months. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved new facility project has met the investment amount, the project taxpayers shall provide proof of such investment to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period or the first day of the new investment in the event the investment is met in less than thirty-six months. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, or the first day of the new investment in the event the investment is met in less than thirty-six months, shall issue a refund of sales taxes paid as set forth in this section to each operating taxpayer and each constructing taxpayer and issue a certificate of

exemption to each new project taxpayer for ongoing exemptions under subdivisions (1), (2), and (3) of subsection 2 of this section.

4. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in an expanding data storage center or server farm facility which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication services used in the existing facility or the replaced facility prior to the expansion. Amount shall be measured in kilowatt hours, gallons, cubic feet or other measures applicable to a utility service as opposed to in dollars, to account for increases in rates;

(2) All machinery, equipment, and computers used in any expanding data storage center or server farm facility, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and

(3) All sales at retail of the tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center or server farm facility.

5. Any data storage center and server farm facility project seeking a tax exemption under subsection 4 of this section shall submit an expanding project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The project applicants shall also provide proof satisfactory to the department of economic development that the facility is an expanding facility and has net new investment related to the expansion of operations in this state of at least one million dollars during a time period not to exceed twelve consecutive months. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption. The department of revenue shall issue a certificate of exemption to each expanding project taxpayer for ongoing exemptions under subdivisions (1), (2) and (3) of subsection 4 of this section.

6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to make certain the intent of this section is followed.

8. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Parkinson assumed the Chair.

Representative Flook offered **House Amendment No. 1 to House Amendment No. 5.**

Representative Skaggs raised a point of order that **House Amendment No. 1 to House Amendment No. 5** goes beyond the scope of the amendment.

Speaker Pro Tem Pratt resumed the Chair.

The Chair ruled the point of order not well taken.

Representative Parkinson resumed the Chair.

**House Amendment No. 1 to House Amendment No. 5** was withdrawn.

Representative Wilson (130) assumed the Chair.

On motion of Representative Nolte, **House Amendment No. 5** was adopted.

Representative Pratt offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. **The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;**

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703, RSMo;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member");

(17) "Minimum normal retirement age", the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit, with both years of creditable service and years of age prorated for fractional years;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.280. 1. In each school district of this state (i) that now has or may hereafter have a population of not more than seven hundred thousand and (ii) not less than seventy percent of whose population resides in a city other than a city not within a county which now has or may hereafter have a population of four hundred thousand or more, according to the latest United States decennial census, there is hereby created and established a retirement system for the purpose of providing retirement allowances and related benefits for employees of the employer. Each such system shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of (name of school district)", and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. When a school district first satisfies the foregoing population conditions, the board of education shall adopt a resolution certifying the same and take all actions necessary to cause the retirement system to begin operation on the thirtieth day of September following such certification.

2. In the event that (i) the population of a school district having a retirement system created hereunder should increase to a number greater than seven hundred thousand, or (ii) the population of the city in which not less than seventy percent of the population of the school district resides should decrease to a number less than four hundred thousand, or (iii) less than seventy percent of the population of the school district should reside in a city having a population of at least four hundred thousand, or (iv) the corporate organization of the school district shall lapse in accordance with subsections 1 and 4 of section 162.081, RSMo, the retirement system of such school district shall continue to be governed by and subject to sections 169.270 to 169.400 and all other statutes, rules, and regulations applicable to retirement systems in

school districts having a population of not more than seven hundred thousand and not less than seventy percent of whose population resides in a city, other than a city not within a county, of four hundred thousand or more, as if the population of such school district and city continued to be within such numerical limits.

**3. The plan of retirement benefits administered by the retirement system established hereby is intended to be a qualified plan under the provisions of applicable federal law. The board of trustees shall interpret the statutes governing the retirement system and shall administer the retirement system in all respects consistent with such intent. The assets of the retirement system shall be held in trust for the exclusive benefit of members and their beneficiaries and for defraying reasonable administrative expenses of the retirement system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purposes other than for such exclusive benefit or for any purpose inconsistent with the requirements of sections 169.270 to 169.400.**

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

**4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.**

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that, effective January 1, 1996, any retiree who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326. Provided, further, any retiree who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326). Any beneficiary of a deceased retiree who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer



or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, **provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average **final** annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and the first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the statutory contribution rate;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be

computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.328. 1. Should a member cease to be a regular employee, except by retirement, the member, if living, shall be paid on demand, made by written notice to the board of trustees, the amount of the person's accumulated contributions (with interest as determined by the board of trustees as provided in sections 169.270 to 169.400) standing to the credit of the person's individual account in the employees' contribution fund. The accumulated contributions with interest shall not be paid to a member so long as the person remains a regular employee or before the member incurs a break in service. If the member dies before retirement such accumulated contributions (with interest) shall be paid to the member's estate or designated beneficiary unless the provisions of subsection 3 of section 169.326 apply.

2. If a former unvested member's accumulated contributions have not been withdrawn four years after the person has ceased to be a member (other than by reason of death or retirement), the board of trustees shall pay the same to such former member within a reasonable time after the expiration of such four-year period.

3. If, on account of undeliverability, improper mailing or forwarding address, or other similar problem, the board of trustees is unable to refund the accumulated contributions of a former unvested member or to commence payment of retirement benefits within four years after the end of the calendar year in which such former member ceased to be a regular employee, the board may transfer the accumulated contributions to the general reserve fund. If, thereafter, written application is made to the board of trustees for such refund or benefits, the board shall cause the same to be paid from the general reserve fund, but no interest shall be accrued after the end of the fourth year following the end of the calendar year in which such former member ceased to be a regular employee.

4. In its discretion the board of trustees may approve extensions of any time periods in this section on account of a former member's military or naval service, academic study or illness.

**5. Any member or beneficiary who is entitled to receive a distribution that is an eligible rollover distribution, as defined in Section 402(c)(4) of the Internal Revenue Code of 1986, as amended, may elect to have that distribution transferred directly to another eligible retirement plan, as defined in Section 402(c)(8) of the Internal Revenue Code of 1986, as amended, designated by the member or beneficiary in accordance with procedures established by the board of trustees. An eligible rollover distribution shall include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution under Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. All such transfers shall be made in compliance with the requirements of Section 401(a)(31) of the Internal Revenue Code of 1986, as amended, and regulations thereunder.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Pratt, **House Amendment No. 6** was adopted.

Representative Jones (89) offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section B, Line 1, by inserting before all of said section, page, and line the following:

**"Section 1. There is hereby specifically exempted from the provisions of the state and local sales tax law as defined, levied, assessed, payable, or calculated under section 32.085 and sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, all gratuities, whether mandatory or voluntary, provided in conjunction**

**with the receipt of property or services regardless of whether such property or service may be subject to tax under the provisions of chapter 144.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda offered **House Amendment No. 1 to House Amendment No. 7.**

**House Amendment No. 1 to House Amendment No. 7** was withdrawn.

On motion of Representative Jones (89), **House Amendment No. 7** was adopted.

Representative Stream offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 28, Section 94.832, Line 50, by inserting after all of said line the following:

“137.106. 1. This section [may] **shall** be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", as such term is defined in section 135.010, RSMo;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection;

No individual shall be an eligible owner if the individual has not paid [their] **the individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

- (1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;
- (2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;
- (3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and
- (4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar

year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value[; and].
- [(5)]

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by October fifteenth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead

exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. [In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.] **Under section 23.253 of the Missouri sunset act:**

(1) **The provisions of the new program authorized under this section shall automatically sunset on December 31, 2016, unless reauthorized by an act of the general assembly; and**

(2) **If such program is reauthorized, the program authorized under this section shall automatically sunset on December 31, 2022; and**

(3) **This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stream, **House Amendment No. 8** was adopted.

Representative Ruzicka offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, 67.2000, Line 237, by inserting after all of said line the following:

“78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

**2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.**

**(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

**(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 78.090 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ruzicka, **House Amendment No. 9** was adopted.

Representative Munzlinger offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"274.180. Each association organized hereunder shall pay an annual fee of ten dollars only, in lieu of all franchise or license or corporation or other taxes, or taxes, **or state sales taxes**, or charges upon reserves held by it for members.

349.045. [1. Except as provided in subsection 2 of this section,] The corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five, all of whom shall be duly qualified electors of and taxpayers in the county or municipality; except that, for any industrial development corporation formed by any municipality located wholly within any county of the second, third, or fourth classification, directors may be qualified taxpayers in and registered voters of such county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be resident taxpayers for at least one year immediately prior to their appointment. No director shall be an officer or employee of the county or municipality. All directors shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality, and in all counties, other than a city not within a county and counties with a charter form of government, the appointments shall be made by the county commission and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as nearly equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors in the third group shall be six years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until a successor shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality. The successors shall be resident taxpayers for at least one year immediately prior to their appointment.

[2. A corporation in a county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of a number of directors not less than the number of townships in such county. All directors shall be duly qualified electors of and taxpayers in the county. Each township within the county shall elect one director to the board. Additional directors may be elected to the board to succeed directors appointed to the board as of the effective date of this section if the number of directors on the effective date of this section exceeds the number of townships in the county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties. The directors shall be resident taxpayers for at least one year immediately prior to their election. No director shall be an officer or employee of the county. Upon the expiration of the term of office of any director appointed to the board prior to the effective date of this section, a director shall be elected to succeed him or her; provided that if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be elected. The successors shall be resident taxpayers for at least one year immediately prior to their election.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Munzlinger, **House Amendment No. 10** was adopted.

Representative Lipke offered **House Amendment No. 11.**



AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section 473.742, Line 63, by inserting after all of said section and line the following:

“559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, RSMo, section 558.018, RSMo, section 559.115, section 565.020, RSMo, sections 566.030, 566.060, 566.067, 566.151, and 566.213, RSMo, section 571.015, RSMo, and subsection 3 of section 589.425, RSMo.

2. The circuit court shall have the power to revoke the probation or parole previously granted and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

3. **Restitution, whether court ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.011, shall be paid through the office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an administrative handling cost. The cost shall be twenty-five dollars for restitution less than one hundred dollars and fifty dollars for restitution of one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. In addition to the administrative handling costs, an installment cost shall be assessed in the amount of two dollars per installment, excepting the first installment, until such total amount of restitution is paid in full. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section. Notwithstanding the provisions of any other law, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per each crime victim to whom restitution is paid for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected under this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected to the credit of the Missouri office of prosecution services fund under the procedure established under subsection 2 of section 56.765. As used in this subsection, "crime victim" means any natural person or their survivors or legal guardians, the estate of a deceased person, a for-profit corporation or business entity, a nonprofit corporation or entity, a charitable entity, or any governmental body or a political subdivision thereof.**

4. The moneys deposited in the administrative handling cost fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office.

5. The administrative handling cost fund may be audited by the state auditor's office or the appropriate auditing agency.

6. If the moneys collected and deposited into the administrative handling cost fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution.

559.105. 1. Any person who has been found guilty [of] or has pled guilty [to a violation of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo,] **to an offense** may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to[, the following:

- (1)] a victim's reasonable expenses to participate in the prosecution of the crime[;
- (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or aircraft; and
- (3) A victim's costs associated with towing or storage fees for the motor vehicle caused by the acts of the defendant].

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole [for a violation of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, may] **shall** be required, as a condition of parole, to make restitution pursuant to this section. The board of probation and parole shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

**4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.**

570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) The person makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

- (1) The face amount of the check or sight order or the aggregated amounts is five hundred dollars or more; or
- (2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class C felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. **This fund shall be known as the "Administrative**

**Handling Cost Fund", and it shall be the fund for deposits under this section and under section 559.100.** The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765, RSMo. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765, RSMo.

(2) The moneys deposited in the **administrative handling cost** fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

(3) [This] **The administrative handling cost** fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into [this] **the administrative handling cost** fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check.”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said section and line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to sections 559.100, 559.105, and 570.120 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lipke, **House Amendment No. 11** was adopted.

Representative Kirkton offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

"67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008.

Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted."; and

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"137.243. 1. To determine the "projected tax liability" required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year's state assessed values, and the prior year's personal property values. On or before March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision's tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision's tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor's office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor's office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kirkton, **House Amendment No. 12** was adopted.

Representative McNary offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after said line the following:

**"171.185. No school district located in any city of the third classification with more than forty-six thousand eight hundred but fewer than forty-seven thousand inhabitants shall operate a recycling or material recovery center within one thousand feet of a residential property.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Allen offered **House Amendment No. 1 to House Amendment No. 13**.

*House Amendment No. 1*

*to*

*House Amendment No. 13*

AMEND House Amendment No.13 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Line 6, by inserting after the word "**inhabitants**" the following:

**"or a city of the fourth classification with more than ten thousand eight hundred but less than eleven thousand inhabitants";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Allen, **House Amendment No. 1 to House Amendment No. 13** was adopted.

On motion of Representative McNary, **House Amendment No. 13, as amended**, was adopted by the following vote:

AYES: 076

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Emery
Faith	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Ice	Jones 117	Keeney	Kingery
Koenig	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parson	Pratt	Riddle
Ruestman	Ruzicka	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 074

Atkins	Aull	Ayres	Biermann	Bringer
Brown 50	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Dusenberg
Englund	Ervin	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kraus	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Sander	Scavuzzo
Schaaf	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 012

Calloway	Corcoran	Flanigan	Jones 89	LeBlanc
McGhee	Nasheed	Parkinson	Pollock	Spreng
Vogt	Wallace			

VACANCIES: 001

**HCS SCS SB 808, as amended**, was laid over.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Tilley, the House recessed until 7:15 p.m.

## EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Pratt.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1595**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA1 & HA2** to **SCS SB 630** and has taken up and passed **SCS SB 630, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA1, HA2 & HA3** to **SCS SB 644** and has taken up and passed **SCS SB 644, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 741, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS#2 SCS SB 778** and requests the House to recede from its position and failing to do so grant the Senate a conference thereon. Further that the conferees be allowed to exceed the differences to require the Office of Administration to provide the members of the legislature a key to the dome.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 940** and has taken up and passed **HCS SB 940**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 942** and has taken up and passed **HCS SCS SB 942**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 981, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

## THIRD READING OF SENATE BILL

**HCS SCS SB 808, as amended**, relating to political subdivisions, was again taken up by Representative Sutherland.

Representative Dethrow offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 67.1000, Page 3, Line 40, by inserting the following after all of said line:

**“67.1018. 1. The governing body of any county of the third classification without a township form of government and with more than five thousand nine hundred but fewer than six thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds, cabins, and any docking facility which rents slips to recreational boats which are used by transients for sleeping, situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and fifty percent of the proceeds of such tax shall be used by the county to fund law enforcement with the remaining fifty percent of such proceeds to be used to fund the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.**

**2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

**Shall ..... (insert the name of the county) impose a tax on the charges for all sleeping rooms, cabins, or campsites occupied and rented by transient guests and any docking facility which rents slips to recreational boats which are used by transients for sleeping, situated in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the benefit of the county?**

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**Representative Nance offered House Amendment No. 1 to House Amendment No. 14.**

*House Amendment No. 1*

*to*

*House Amendment No. 14*

AMEND House Amendment No. 14 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof the following:

**“67.1003. 1. The governing body of the following cities and counties may impose a tax as provided in this section:**

**(1) Any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county;**

**[(1)] (2) A county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants;**

**[(2) or] (3) A third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand;**

**[(3) or] (4) A county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand;**

**[(4) or] (5) Any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand;**



[(5) or] **(6)** Any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants;

[(6) or] **(7)** Any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants;

**(8) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] **3.** Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

[3.] **4.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.**

[4.] **5.** As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

**67.1018. 1. The governing body of any county of the third classification without a township";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nance, **House Amendment No. 1 to House Amendment No. 14** was adopted.

On motion of Representative Dethrow, **House Amendment No. 14, as amended**, was adopted.

Representative Wright offered **House Amendment No. 15.**

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Section A, Line 4, by inserting after all of said line the following:

“34.074. 1. As used in this section, the term "service-disabled veteran" means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

2. As used in this section, the term "service-disabled veteran business" means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give **a three-point bonus** preference to **service-disabled veteran businesses** doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable].

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no **or an insufficient number of** such veterans doing business in this state [meet the quality of performance and price standards required in subsection 3 of this section] **submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political subdivision**, such [preference] goal shall not be required **and the provisions of subdivision (1) of this subsection shall not apply.**”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 34.074 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 15** was adopted.

Representative Storch offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, **except that no tax shall be levied and imposed on the amount paid for any amount paid to any yoga studio or other similar facility at which yoga is practiced or taught**;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others,

pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in [subdivision (8) of] section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

"Section C. The emergency clause contained in Section B of this act shall not apply to section 144.020 of Section A of this act."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Storch, **House Amendment No. 16** was adopted.

Representative Denison offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 48.020, Page 2, Line 33, by inserting the following after all of said section and line:

**"67.314. 1. The provisions of this section shall apply to contracts for construction awarded by political subdivisions of the state of Missouri and shall be known as the "Political Subdivision Construction Bidding Standards Act".**

**2. As used in this section, the following terms mean:**

**(1) "Contracts for construction", the construction, alteration, or repair of any building, structure, highway, bridge, street, viaduct, water or sewer line or system, pipeline, demolition, moving, or excavation connected therewith, and shall include the furnishing of surveying, construction engineering, planning or management services, or labor, material, or equipment, as required to perform work under the contract for construction;**

**(2) "Established local construction procurement policy", a policy and procedure for use in soliciting bids for multiple construction projects that has been officially adopted by the governing body of the political**

subdivision or established by the public works director, engineer, or similar official authorized by the political subdivision to administer the award of construction contracts.

3. Nothing in this section shall be construed to require the design or engineering of any project, as the term "project" is defined in section 8.287, to be awarded by competitive bidding if the contract for such services is under a separate contract from a contract for construction and is awarded under sections 8.285 to 8.291, or to construction management services governed by sections 8.675 to 8.687. Neither shall this section be construed to apply to contracts awarded for the design/build method of project delivery, if the political subdivision's procurement of design/build projects is otherwise authorized by statute.

4. If a political subdivision is not subject to a specific requirement for advertising for bids or soliciting, awarding, or rejecting bids under Missouri statutes or rules, or federal or state funding requirements, and if the political subdivision has not adopted an established local construction procurement policy that is applicable to the specific political subdivision regarding contracts for construction, the political subdivision shall comply with the following provisions when soliciting bids and awarding construction contracts of ten thousand dollars or more:

(1) Contracts for construction shall be advertised in advance of the acceptance of bids. If no provision of Missouri statutes or rules, or federal or state funding requirements, or established local construction procurement policy requiring advertising otherwise applies, bids shall be solicited by advertisement once a week for two consecutive weeks in a newspaper of general circulation, qualified under chapter 493, located in a county where the political subdivision is located. If there is no newspaper in the county qualified under chapter 493, advertisements may be placed in a newspaper in an adjoining county. The last insertion of the advertisement shall be not less than ten days before the date stated in the advertisement for acceptance of bids. For contracts for construction of over two hundred fifty thousand dollars, bids shall also be advertised by providing project and bid solicitation information at least fifteen days in advance of bid opening to one or more commercial or not-for-profit organization, which provides construction project reporting services to construction contractors and suppliers, or that operates internet or paper plan rooms for the use of contractors, subcontractors, and suppliers. Project advertisements and bid solicitations shall state the date and time of the deadline for the acceptance of bids, the place for submission of bids, and shall provide for informing bidders of the date, time, and place where bids shall be opened;

(2) If no provision of Missouri statute or rules, or federal or state funding requirements, or established local construction procurement policy otherwise applies, contracts for construction shall be awarded in compliance with this subdivision. The contract shall be awarded to the lowest qualified responsible bidder submitting a bid which is responsive to the contract as advertised by the political subdivision. The political subdivision may reject the low bidder by declaring the bidder ineligible for contract award based on the bidder's failure to provide a performance or payment bond as required by section 107.170, the bidder's nonperformance on previous contracts with the political subdivision, or for other reasons specified as to the bidder's inability to adequately perform the contract. The reasons for bid rejection or award of the contract to another bidder shall be stated in writing to the low bidder within five business days of the rejection of the bid.

5. An established local construction procurement policy complies with this section if it provides for advertising of construction contracts in a manner reasonably likely to inform potential bidders of the project on a timely basis, including advertisement in a newspaper of general circulation qualified under chapter 493, and requires that the date, time, and place for submission of bids be stated in the advertisement or solicitation for bids and provides for informing bidders of the date, time, and place bids will be opened. Such established local construction procurement policy shall also state any requirements for prequalification of bidders. If any additional project-specific qualifications are established, such qualifications shall be stated to potential bidders in advance of submission of bids. The established local construction procurement policy shall also state the bid award standard to be used in selecting contractors to perform contracts under the policy.

6. In award of contracts for construction, a political subdivision is prohibited from acting in an arbitrary or capricious manner, and shall act in good faith.

7. Notwithstanding any other provision of state law, state rule, or federal or state funding requirement to the contrary or any provision of an established local construction procurement policy, no contract for construction shall be awarded in violation of the following requirements:

(1) No bid shall be opened or contract awarded in advance of the advertised deadline for submission of bids. No bid shall be opened in a place other than that established in subdivision (4) of this subsection;

(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the project for which bids were solicited is cancelled, bids shall be returned to the bidder unopened;

(3) No bid shall be accepted after the advertised deadline for acceptance of bids;

(4) All bids received shall be held secure and confidential from all persons until the bids are opened on the date and at the time and place established in this section. Bids shall be opened in a public meeting on the date and at the time and place stated in the advertisement and request for bids or in an amended request for bids communicated to all known bidders or potential bidders. If the date, time, or place of bid opening is changed from information stated in the original or amended advertisement or solicitation for bids or other notice to bidders, notice of the date, time, and place of bid opening shall be made to all known or potential bidders and the general public at least two business days in advance of the bid opening. Bids shall be opened in a public meeting. No political subdivision shall bar any person or persons from observing the bid opening;

(5) No construction contract shall be awarded in substantial violation of a state statute or a political subdivision's established local construction procurement policy;

(6) No construction contract shall be awarded in violation of section 107.170 requiring performance and payment bonds.

8. Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards established by the requirements of the electronic bidding program which are comparable to requirements for written bids established by this section.

9. Any person submitting a bid for a contract for construction may file an action for any violation of subsection 6 or 7 of this section or sections 34.203 to 34.216, and shall have standing to seek equitable relief and monetary damages in a court of competent jurisdiction for monetary losses resulting from violations of subsection 6 or 7 of this section or section 34.203 to 34.216, including but not limited to, setting aside award of a contract, ordering a contract to be rebid, requiring award of a contract to a different bidder than originally awarded, awarding monetary damages deemed appropriate by the court, including award of reasonable attorney's fees, or awarding a combination of such forms of relief. If a person would have submitted a bid, except for violation of subdivision (1) of subsection 7 of this section or sections 34.203 to 34.216, such person shall have standing to pursue the rights and remedies provided by this subsection. Any action for violation of subsection 6 or 7 of this section that is brought by the contractor more than fifteen business days after the award of a contract shall be dismissed by the court. If the court finds there has been fraud, collusion, or corruption, or if the court finds there have been violations of subsection 6 or 7 of this section or sections 34.203 to 34.216 in award of the contract and awards monetary damages or equitable relief to the contractor bringing the action, the court may also award attorney's fees to the contractor bringing the action. If the court finds there is no substantial cause for the action or determines that the action was brought by the contractor for purposes of harassment or disruption of the awarded contract, the court may order the contractor to pay the political subdivision's costs of attorney's fees.

10. Nothing in this section shall be construed to prohibit the political subdivision from rejecting any and all bids. Neither shall anything in this section prohibit a political subdivision from awarding contracts without competitive bidding when the political subdivision deems it necessary to remove an immediate danger to the public health or safety, to prevent loss to public or private property which requires government action, or to prevent an interruption of or to restore an essential public service.

11. Nothing in this section shall be construed to prohibit a political subdivision from adopting an established local construction procurement policy governing contracts for construction after the effective date of this section. Neither shall this section be construed to allow a political subdivision to maintain or enact any provision governing construction contracts in conflict with subsection 6 or 7 of this section or any state statute in effect on the effective date of this section or as subsequently amended or enacted.”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 67.314 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Denison, **House Amendment No. 17** was adopted.

Representative Schoeller offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 94.832, Page 21, Line 50, by inserting after all of said line the following:

- “260.244. 1. This section shall be known and may be cited as the "Missouri Soil Enrichment Initiative".**
- 2. For purposes of this section, the following terms shall mean:**
- (1) "Commercial compost facility" or "commercial composting facility", any compost or composting facility that receives financial compensation for accepting organic material for composting or from the sale of compost produced, excluding local government owned and operated compost facilities and compost facilities operated by elementary and secondary schools or institutions of higher education;**
  - (2) "Compost", the end product of a composting process;**
  - (3) "Composting", the controlled biological decomposition of organic materials to produce a stable humus-like product;**
  - (4) "Composting facility" or "compost facility", a solid waste processing facility using a controlled process of microbial degradation of organic material which was not source-separated into a stable, nuisance-free humus-like product;**
  - (5) "Department", the Missouri department of natural resources;**
  - (6) "Local government owned compost facility", any compost facility that is owned and operated by a city or county government or unit of city or county government;**
  - (7) "Organic material", matter that comes from a once-living organism and is capable of decay.**
- 3. The department shall maintain a registry of commercial compost facilities and local government owned compost facilities in this state. Such registry shall be easily accessible to the public through the department's website and identify registered compost facilities by location.**
- 4. Commercial compost facility owners or operators in operation prior to January 1, 2011, shall register and begin paying an annual registration fee to the department no later than January 31, 2011, and thereafter each January thirty-first until the commercial composting facility ceases operation and all compost is removed from the facility. The department shall issue the commercial composting facility owner or operator a registration certificate which shall be valid for the calendar year.**
- 5. Commercial compost facility owners and operators commencing operation after January 1, 2011, shall register with the department prior to accepting or composting organic material. Each owner or operator of a commercial compost facility registering after January 31, 2011, shall pay an initial prorated annual registration fee. The prorated annual registration fee shall be determined by dividing the appropriate annual fee in subsection 9 of this section by the number of months remaining in the calendar year from the date of the application submittal. Such prorated annual registration amount shall be due from the applicant prior to the issuance by the department of the registration certificate. The commercial compost facility owner or operator shall thereafter follow the requirements set forth in subsection 4 of this section for payment of the annual registration fee.**
- 6. Local government owned compost facilities in operation prior to January 1, 2011, shall register with the department no later than January 31, 2011, and thereafter each January thirty-first until the local government owned compost facility ceases operation and all compost is removed from the facility. The department shall issue the local government owned compost facility owner or operator a registration certificate which shall be valid for the calendar year.**
- 7. Local government owned compost facility owners and operators commencing operation after January 1, 2011, shall register with the department prior to accepting or composting organic material. The local government owned compost facility owner and operator shall thereafter follow the requirements set forth in subsection 6 of this section for annual registration.**
- 8. The registration and annual fee shall be accompanied by documentation demonstrating the compost facility is in compliance with all applicable permits including exemptions and local planning or zoning ordinances or a statement that local planning and zoning does not exist in the area and no permits are required.**
- 9. From each owner and operator of a registered commercial compost facility, the department shall collect a fee based on the combined size of the facility and any affiliated areas such as those used for access roads, buffer zones, and storm water diversion structures as follows:**
- (1) Less than or equal to five acres, five hundred dollars;**
  - (2) More than five acres but less than or equal to twenty acres, one thousand dollars;**
  - (3) Greater than twenty acres, two thousand five hundred dollars.**

10. Each registered composting facility owner or operator shall file an annual report with the department. Each owner or operator shall report to the department: the name of the owner and operator; the complete mailing address of the owner and operator, the facility's physical address or addresses, telephone number, the amount of organic material received during the prior calendar year, the estimated amount of compostable material on-hand at the facility on the date the annual report is prepared, and a statement certifying the facility and any affiliated transfer facility or facilities are being operated in a manner that prevents nuisances and minimizes anaerobic conditions. Such registered compost facility owners or operators required to pay an annual fee shall submit such fee along with the compost facility's annual report.

11. Each commercial composting facility owner or operator shall submit the annual registration fee collected under this section to the department of natural resources for deposit in the solid waste management fund. All such fees shall be used to fund the operating costs of the department's solid waste management program. The provisions of section 33.080 to the contrary notwithstanding, moneys in the account from collection of the annual registration fee shall not lapse to general revenue at the end of each biennium.

12. The department may examine records and measure acreage used by the commercial compost facility to verify payment of the appropriate annual registration fee established in this section.

13. This section shall not apply to agricultural composting facilities or residential composting facilities where the end product is intended entirely for personal use and not for resale.

14. The department may promulgate by rule and regulation procedures to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cox offered **House Amendment No. 1 to House Amendment No. 18.**

*House Amendment No. 1  
to  
House Amendment No. 18*

AMEND House Amendment No. 18 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 3, Line 14, by inserting after said line the following:

‘Further amend said bill, Page 24, Section 473.742, Line 63, by inserting after said line the following:

“640.116. 1. Any water system that serves a charitable or benevolent organization, if the system does not regularly serve an average of one hundred persons or more at least sixty days out of the year and the system does not serve a school or day-care facility, shall be exempt from all rules relating to well construction except any rules established under sections 256.600 to 256.640 applying to multifamily wells, unless such wells or pump installations for such wells are determined to present a threat to groundwater or public health.

2. If the system incurs three or more total coliform maximum contaminant level violations in a twelve-month period or one acute maximum contaminant level violation, the system owner shall either provide an alternate source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 4-log (ninety-nine and ninety-nine one-hundredths percent) treatment of viruses.

3. Notwithstanding this or any other provision of law to the contrary no facility otherwise described in 640.116.1 shall be required to replace, change, upgrade or otherwise be compelled to alter an existing well constructed prior to August 28, 2010, unless such well is determined to present a threat to groundwater or public health or contains the contaminant levels referred to in 640.116.2.”; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 1 to House Amendment No. 18** was adopted.

On motion of Representative Schoeller, **House Amendment No. 18, as amended**, was adopted.

Representative Kelly offered **House Amendment No. 19**.

*House Amendment No. 19*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 94.832, Page 21, Line 50, by inserting after all of said section the following:

“143.1016. 1. For all taxable years beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the organ donor program fund established in section 194.297. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the organ donor program fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, clearly designated for the organ donor program fund, the amount the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the organ donor program fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals and corporations under this section, less an amount sufficient to cover the cost of collecting and handling by the department of revenue which shall not exceed five percent of the transferred contributions, to the state treasurer for deposit in the state treasury to the credit of the organ donor program fund. A contribution designated under this section shall only be transferred and deposited in the organ donor program fund after all other claims against the refund from which such contribution is to be made have been satisfied.

3. All moneys transferred to the fund shall be distributed as provided in this section and sections 194.297 and 194.299.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to Section 143.1016.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly, **House Amendment No. 19** was adopted.

Representative Smith (14) offered **House Amendment No. 20**.



*House Amendment No. 20*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“304.582. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any highway worker in such zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section, and no person shall be assessed an additional fine under this subsection if no signs have been posted under subsection 3 of this section.

3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or a contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction zone or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: Minimum \$250 fine for speeding or passing in this work zone when workers are present."

4. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone as provided in this subsection. Violation of this subsection is a class C misdemeanor.

(1) This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane and not pass by appropriate signs or traffic control devices erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

(2) This subsection also prohibits the operator of a motor vehicle from passing or attempting to pass another motor vehicle in a work zone or construction zone located upon a two-lane highway when highway workers or equipment are working and when appropriate signs or traffic control devices have been erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

5. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302, RSMo.

**6. Notwithstanding any provision of this section to the contrary, no person shall be cited for a violation of this section when no highway workers are located or working within the construction zone or work zone at the time the alleged violation occurred.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Smith (14), **House Amendment No. 20** was adopted.

Representative Stevenson offered **House Amendment No. 21**.

*House Amendment No. 21*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“50.622. Any county may amend the annual budget during any fiscal year in which the county receives additional funds **or a decrease in funds**, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year. **Any authorization for a decrease in funds under this section shall terminate on August 28, 2014.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Witte raised a point of order that **House Amendment No. 21** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Brown (30) offered **House Substitute Amendment No. 1 for House Amendment No. 21**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 21*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“50.622. 1. Any county may amend the annual budget during any fiscal year in which:

(1) The county receives additional funds, and such amount or source, including but not limited to[,] federal or state grants or private donations, could not be estimated **or anticipated** when the budget was adopted; **or**

(2) **The county experiences a verifiable decline in funds, and such amount or source, including but not limited to federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; provided that, any decrease in appropriations shall be allocated among the county departments, offices, institutions, commissions, and boards in a fair and equitable manner under all the circumstances, and shall not unduly affect any one department, office, institution, commission, or board.**

**2. Any decrease in an appropriation authorized under subdivision (2) of subsection 1 of this section shall not impact any dedicated fund otherwise provided by law.**

3. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, **except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section.**

4. **The general assembly shall review subdivision (2) of subsection 1 of this section and subsection 2 of this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether such provisions are no longer applicable and should be repealed.**

50.830. 1. **Except as provided in subsection 2 of this section, following each quarter of the fiscal year, the county shall hold at least one public hearing to review the budget, including the records of the receipts and disbursements of every office of the county which receives or disburses money on behalf of the county. At least five days' notice of the hearing shall be given.**

**2. This section shall not apply to any county that reviews the county budget on a monthly basis.**

**3. The general assembly shall review this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether the section is no longer applicable and should be repealed.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brown (30), **House Substitute Amendment No. 1 for House Amendment No. 21** was adopted.

Representative Bringer offered **House Amendment No. 22**.

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Section 48.020, Line 1, by inserting before all of said line the following:

"3.130. [1.] Such number of copies of each volume of each edition of the revised statutes of Missouri and annotations thereto and such number of the supplements or pocket parts thereto as may be necessary to meet the demand as determined by the committee shall be printed and bound, and also produced in an electronic format, and delivered to the revisor of statutes, who shall execute and file a receipt therefor with the director of revenue. The revisor of statutes shall distribute the copies, in either version or combination, [without charge as follows:

(1) To each state department, and each division and bureau thereof, one copy as requested in writing specifying the version;

(2) To each member of the general assembly when first elected, one bound version and, if requested, one copy in the electronic version; and at each general assembly thereafter, one printed version and one copy in the electronic version if so requested in writing; each member to receive one printed version and, if requested, one copy in the electronic version of each supplement and of each new edition of the revised statutes when published;

(3) To each judge of the supreme court, the court of appeals and to each judge of the circuit courts, except municipal judges, one copy in either version;

(4) To the probate divisions of the circuit courts of Jackson County, St. Louis County and the city of St. Louis, four additional copies each in either version or combination, and to the probate divisions of the circuit courts of those counties where the judge of the probate division sits in more than one city, one additional copy each in either version;

(5) To the law library of the supreme court, ten copies in either version or combination;

(6) To the law libraries of each district of the court of appeals, six copies each in either version or combination;

(7) To the library of the United States Supreme Court, one copy in either version;

(8) To the United States district courts and circuit court of appeals for Missouri, two copies each in either version or combination;

(9) To the state historical society, two copies in either version or combination;

(10) To the libraries of the state university at Columbia, at St. Louis, at Kansas City and at Rolla, one bound version and one electronic version each;

(11) To the state colleges, Lincoln University, the community colleges, Missouri Western State College, Linn State Technical College, and Missouri Southern State College, one bound version and one electronic version each;

(12) To the public school library of St. Louis, two copies in either version or combination;

(13) To the Library of Congress, one copy in either version;

(14) To the Mercantile Library of St. Louis, one bound version and one electronic version;

(15) To each public library in the state, if requested, one copy in either version;

(16) To the law libraries of St. Louis, St. Louis County, Kansas City and St. Joseph, one bound version and one electronic version each;

(17) To the law schools of the state university, St. Louis University, and Washington University, one bound version and one electronic version each;

(18) To the circuit clerk of each county of the state for distribution to each county officer, to be by him or her delivered to his or her successor in office, one copy in either version as requested in writing;

(19) To the director of the committee on legislative research, such number of copies in either version or combination as may be required by such committee for the performance of its duties;

(20) To any county law library, when requested by the circuit clerk, one bound version and one electronic version;

(21) To each county library, one copy of either version, when requested in writing;

(22) To any committee of the senate or house of representatives, as designated and requested by the accounts committee of the respective house.

2. The revisor of statutes shall also provide the librarians of the supreme court library and the committee on legislative research such copies in either version or combination as may be necessary, not exceeding fifty-one each, to enable them to exchange the copies for like compilations or revisions of the statute laws of other states and territories] **at the price determined by the committee under section 3.140.**

3.140. [1.] The committee on legislative research may, through the revisor of statutes, sell copies of the revised statutes of Missouri, and any supplement or edition of pocket parts thereto, [not required by this chapter to be distributed without charge,] at a price to be determined by the committee, taking into account the cost of printing and binding,

including the cost of delivery, **producing the statutes, and maintaining any website version**, and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

[2. The revisor of statutes shall also supply to the clerk of the circuit court of each county order blanks in a number sufficient to meet the public demand. The blanks may be used by the public to order copies which shall be sold by the committee as provided in subsection 1.]

3.142. [1.] There is hereby established in the state treasury a revolving fund known as the "Statutory Revision Fund", and which shall receive funds paid to the revisor of statutes for sales of the revised statutes of Missouri or any supplement thereto, whether in printed, electronic, magnetic, or other form and funds received for any other service for which there is a fee charged by the committee on legislative research. The committee on legislative research shall determine the form and any fees or charges for the statutes or services. The state treasurer shall be custodian of the fund and shall make disbursements from the fund for enhancing or producing the electronic form of the revised statutes in a computer readable form, enhancing the electronic processing of computerized legislative drafting and such other purposes authorized by the joint committee on legislative research upon appropriation by the general assembly. Moneys in the fund may also be used at the direction of the committee on legislative research to provide the revised statutes of Missouri and any supplement thereto to public libraries of this state in a computer readable format for use by patrons of the libraries.

[2. Any unexpended balance in the fund at the end of any biennium not to exceed twice the cost of providing the annual supplement to the revised statutes of Missouri is exempt from the provisions of section 33.080, RSMo, relating to transfer of unexpended balances to the ordinary revenue fund.]; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Burnett offered **House Amendment No. 1 to House Amendment No. 22.**

*House Amendment No. 1  
to  
House Amendment No. 22*

AMEND House Amendment No. 22 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 4, Line 23, by inserting after all of said line the following:

“115.350. 1. No person shall qualify as a candidate for **any** elective public office in the state of Missouri, **including any elective public office of any political subdivision of this state, who has:** [who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.]

(1) **Been convicted of or found guilty of or pled guilty to a felony under the laws of this state; or**

(2) **Been convicted of or found guilty of or pled guilty to any crime in any other jurisdiction that would be a felony if committed in this state; or**

(3) **Been convicted of or found guilty of or pled guilty to any felony or misdemeanor under the federal laws of the United States of America; or**

(4) **Been convicted of or found guilty of or pled guilty to any crime in this state or in any other jurisdiction that involves misconduct or dishonesty in public office.**

2. **Any public officer or elected official who violates subsection 1 shall thereby forfeit their office or employment.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burnett, **House Amendment No. 1 to House Amendment No. 22** was adopted.

On motion of Representative Bringer, **House Amendment No. 22, as amended**, was adopted.

Representative Schlottach offered **House Amendment No. 23.**

*House Amendment No. 23*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“29.212. Any retirement system established by the state of Missouri or any political subdivision or instrumentality of the state for the purpose of providing retirement plan benefits for elected or appointed public officials or employees of the state of Missouri or any political subdivision of the state may be audited by the state auditor every three years, or more frequently as otherwise required by law.”; and**

Further amend said bill, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“56.809. 1. The general administration and the responsibility for the proper operation of the fund are vested in a board of trustees of five persons. Trustees shall be elected by a secret ballot vote of the prosecuting attorneys and circuit attorneys of this state. Trustees shall be chosen for terms of four years from the first day of January next following their election except that the members of the first board shall be appointed by the governor by and with the consent of the senate after notification in writing, respectively, by the prosecuting attorneys and circuit attorneys of eighty percent of the counties in the state, including a city not within a county, that the prosecuting attorney or circuit attorney has elected to come under the provisions of sections 56.800 to 56.840. It shall be the responsibility of the initial board to establish procedures for the conduct of future elections of trustees and such procedures shall be approved by a majority vote by secret ballot of the prosecuting attorneys and circuit attorneys in this state. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 56.800 to 56.840.

2. The board of trustees shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as executive secretary to the board. The Missouri office of prosecution services, sections 56.750 to 56.775, may, in the discretion of the board of trustees, act as administrative employees to carry out all of the purposes of sections 56.800 to 56.840. In addition, the board of trustees may appoint such other employees as may be required. The board shall hold regular meetings at least once each quarter. Other meetings may be called as necessary by the chairman or by any three members of the board. Notice of such meetings shall be given in accordance with chapter 610, RSMo.

3. The board of trustees shall appoint an actuary or firm of actuaries as technical advisor to the board of trustees.

4. The board of trustees shall retain investment advisors to be investment advisors to the board.

5. The board of trustees may retain legal counsel to advise the board and represent the system in legal proceedings.

6. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board of trustees and to the governor.

7. The board of trustees shall serve without compensation for their services as such; except that each trustee shall be paid from the system's funds for any necessary expenses incurred in the performance of duties authorized by the board.

8. The board of trustees shall be authorized to appropriate funds from the system for administrative costs in the operation of the system.

9. The board of trustees shall, from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

10. The board of trustees shall, after reasonable notice to all interested parties, hear and decide questions arising from the administration of sections 56.800 to [56.835] **56.840**; except that within thirty days after a decision or order, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order may make an appeal under the provisions of chapter 536, RSMo.

11. The board of trustees shall arrange for adequate surety bonds covering the executive secretary and any other custodian of funds or investments of the board. When approved by the board, such bonds shall be deposited in the office of the Missouri secretary of state.

12. Subject to the limitations of sections 56.800 to [56.835] **56.840**, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

13. The board of trustees shall be the trustees of the funds of the system. Subject to the provisions of any applicable federal or state laws, the board of trustees shall have full power to invest and reinvest the moneys of the system, and to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys.

14. Notwithstanding any other provision of the law to the contrary, the board of trustees may delegate to its duly appointed investment advisors authority to act in place of the board of trustees in the investment and reinvestment of all or part of the moneys of the system, and may also delegate to such advisors the authority to act in place of the board of trustees in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselor shall be registered as an investment advisor with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board of trustees shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing, the board of trustees shall consider the long-term and short-term needs of the system in carrying out its purposes, the system's present and anticipated financial requirements, the expected total return on the system's investment, the general economic conditions, income, growth, long-term net appreciation, and probable safety of funds. No member of the board of trustees shall be liable for any action taken or omitted with respect to the exercise of or delegation of these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which prudent men and women would ordinarily exercise under similar circumstances in a like position.

15. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.”; and

Further amend said bill, Page 13, Section, 67.2000, Line 237, by inserting after all of said line the following:

“70.605. 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest funds, and hold cash, securities, and other property. All suits or proceedings directly or indirectly against the system shall be brought in Cole County. The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section. All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from

the first day of January next following their appointment, and only one member may be from any political subdivision or be a policeman or fireman.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he or she shall be considered as having resigned from the board and the board shall, by resolution, declare his or her office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself faithfully in his or her office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him or her. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or her under sections 70.600 to 70.755, and as are from time to time required by the board.

12. The board may appoint an attorney-at-law or firm of attorneys-at-law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial

investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together with a detailed statement of the annual rates of investment income from all assets and from each type of investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, conduct administrative hearings to hear and decide questions arising from the administration of sections 70.600 to 70.755; except, that such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing. Within thirty days after a decision or order or final action of the board, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order or final action may take an appeal under the provisions of chapter 536, RSMo. Jurisdiction over any dispute regarding the interpretation of sections 70.600 to 70.755 and the determinations required thereunder shall lie in the circuit court of Cole County.

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board and the governor.

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to 70.755, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.”; and

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“104.190. 1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member. A statement covering the operations of the system for the year, including income and disbursements, and the financial condition of the system at the end of the year, showing the actuarial valuation and appraisal of its assets and liabilities, as of July first, shall each year be delivered to the governor of Missouri and be made readily available to the members.

2. A system of member employment records necessary for the calculation of retirement benefits shall be kept separate and apart from the customary employee employment records.

3. The principal office of the system shall be located in Jefferson City. The system shall have a seal bearing the inscription "Transportation Department Employees' and Highway Patrol Retirement System", which shall be in the custody of its executive director. The courts of this state shall take judicial notice of the seal; and all copies of records, books, and written instruments which are kept in the office of the system and are certified by the executive director under said seal shall be proved or admitted in any court or proceeding as provided by section 109.130, RSMo.

4. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board and the governor.

104.480. 1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member.

2. A statement covering the operations of the system for the year, including income and disbursements, and of the financial condition of the system at the end of the year, showing the actuarial valuation and appraisal of its assets



and liabilities, as of July first, shall each year be delivered to the governor of Missouri and be made readily available to the members.

3. The principal office of the system shall be in Jefferson City. The system shall have a seal bearing the inscription "Missouri State Employees' Retirement System", which shall be in the custody of its director. The courts of this state shall take judicial notice of the seal; and all copies of records, books, and written instruments which are kept in the office of the system and are certified by the director under the seal shall be proved or admitted in any court or proceeding as provided by section 109.130, RSMo.

4. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board and the governor.

169.020. 1. For the purpose of providing retirement allowances and other benefits for public school teachers, there is hereby created and established a retirement system which shall be a body corporate, shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of Missouri". Such system shall, by and in such name, sue and be sued, transact all of its business, invest all of its funds, and hold all of its cash, securities, and other property. The system so created shall include all school districts in this state, except those in cities that had populations of four hundred thousand or more according to the latest United States decennial census, and such others as are or hereafter may be included in a similar system or in similar systems established by law and made operative; provided, that teachers in school districts of more than four hundred thousand inhabitants who are or may become members of a local retirement system may become members of this system with the same legal benefits as accrue to present members of such state system on the terms and under the conditions provided for in section 169.021. The system hereby established shall begin operations on the first day of July next following the date upon which sections 169.010 to 169.130 shall take effect.

2. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.010 to 169.141 are hereby vested in a board of trustees of seven persons as follows: four persons to be elected as trustees by the members and retired members of the public school retirement system created by sections 169.010 to 169.141 and the public education employee retirement system created by sections 169.600 to 169.715; and three members appointed by the governor with the advice and consent of the senate. The first member appointed by the governor shall replace the commissioner of education for a term beginning August 28, 1998. The other two members shall be appointed by the governor at the time each member's, who was appointed by the state board of education, term expires.

3. Trustees appointed and elected shall be chosen for terms of four years from the first day of July next following their appointment or election, except that one of the elected trustees shall be a member of the public education employee retirement system and shall be initially elected for a term of three years from July 1, 1991. The initial term of one other elected trustee shall commence on July 1, 1992.

4. Trustees appointed by the governor shall be residents of school districts included in the retirement system, but not employees of such districts or a state employee or a state elected official. At least one trustee so appointed shall be a retired member of the public school retirement system or the public education employee retirement system. Three elected trustees shall be members of the public school retirement system and one elected trustee shall be a member of the public education employee retirement system.

5. The elections of the trustees shall be arranged for, managed and conducted by the board of trustees of the retirement system.

6. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

7. Trustees of the retirement system shall serve without compensation but they shall be reimbursed for expenses necessarily incurred through service on the board of trustees.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of the trustee's office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri and to demean himself or herself faithfully in the trustee's office. Such oath as subscribed to shall be filed in the office of secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive director a copy of the matter to be decided with full information from the files of the board of trustees. The unanimous decision of four trustees may decide the issue by signing a document declaring their decision and sending such written instrument to the executive director of the board, provided that no other member of the board of trustees shall send a dissenting

decision to the executive director of the board within fifteen days after such document and information was mailed to the trustee. If any member is not in agreement with four members the matter is to be passed on at a regular board meeting or a special meeting called for the purpose.

10. The board of trustees shall elect one of their number as chairman, and shall employ a full-time executive director, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive director.

11. The board of trustees shall employ an actuary who shall be its technical advisor on matters regarding the operation of the retirement system, and shall perform such duties as are essential in connection therewith, including the recommendation for adoption by the board of mortality and other necessary tables, and the recommendation of the level rate of contributions required for operation of the system.

12. As soon as practicable after the establishment of the retirement system, and annually thereafter, the actuary shall make a valuation of the system's assets and liabilities on the basis of such tables as have been adopted.

13. At least once in the three-year period following the establishment of the retirement system, and in each five-year period thereafter, the board of trustees shall cause to be made an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the system, and shall make any changes in the mortality, service, and other tables then in use which the results of the investigation show to be necessary.

14. Subject to the limitations of sections 169.010 to 169.141 and 169.600 to 169.715, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

15. The board of trustees shall determine and decide all questions of doubt as to what constitutes employment within the meaning of sections 169.010 to 169.141 and 169.600 to 169.715, the amount of benefits to be paid to members, retired members, beneficiaries and survivors and the amount of contributions to be paid by employer and employee. The executive director shall notify by certified mail both employer and member, retired member, beneficiary or survivor interested in such determination. Any member, retired member, beneficiary or survivor, district or employer adversely affected by such determination, at any time within thirty days after being notified of such determination, may appeal to the circuit court of Cole County. Such appeal shall be tried and determined anew in the circuit court and such court shall hear and consider any and all competent testimony relative to the issues in the case, which may be offered by either party thereto. The circuit court shall determine the rights of the parties under sections 169.010 to 169.141 and 169.600 to 169.715 using the same standard provided in section 536.150, RSMo, and the judgment or order of such circuit court shall be binding upon the parties and the board shall carry out such judgment or order unless an appeal is taken from such decision of the circuit court. Appeals may be had from the circuit court by the employer, member, retired member, beneficiary, survivor or the board, in the manner provided by the civil code.

16. The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall prepare annually a comprehensive annual financial report, the financial section of which shall be prepared in accordance with applicable accounting standards and shall include the independent auditor's opinion letter. The report shall also include information on the actuarial status and the investments of the system. The reports shall be preserved by the executive director and made available for public inspection.

17. The board of trustees shall provide for the maintenance of an individual account with each member, setting forth such data as may be necessary for a ready determination of the member's earnings, contributions, and interest accumulations. It shall also collect and keep in convenient form such data as shall be necessary for the preparation of the required mortality and service tables and for the compilation of such other information as shall be required for the valuation of the system's assets and liabilities. All individually identifiable information pertaining to members, retirees, beneficiaries and survivors shall be confidential.

18. The board of trustees shall meet regularly at least twice each year, with the dates of such meetings to be designated in the rules and regulations adopted by the board. Such other meetings as are deemed necessary may be called by the chairman of the board or by any four members acting jointly.

19. The headquarters of the retirement system shall be in Jefferson City, where suitable office space, utilities and other services and equipment necessary for the operation of the system shall be provided by the board of trustees and all costs shall be paid from funds of the system. All suits or proceedings directly or indirectly against the board of trustees, the board's members or employees or the retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715 shall be brought in Cole County.

20. The board may appoint an attorney or firm of attorneys to be the legal advisor to the board and to represent the board in legal proceedings, however, if the board does not make such an appointment, the attorney general shall be the legal advisor of the board of trustees, and shall represent the board in all legal proceedings.

21. The board of trustees shall arrange for adequate surety bonds covering the executive director. When approved by the board, such bonds shall be deposited in the office of the secretary of state of this state.

22. The board shall arrange for annual audits of the records and accounts of the system by a firm of certified public accountants[.]. The state auditor [shall review the audit of the records and accounts of] **may audit** the system at least once every three years and shall report the results to the board of trustees and the governor.

23. The board by its rules may establish an interest charge to be paid by the employer on any payments of contributions which are delinquent. The rate charged shall not exceed the actuarially assumed rate of return on invested funds of the pertinent system.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schlottach, **House Amendment No. 23** was adopted.

Representative Gatschenberger offered **House Amendment No. 24**.

*House Amendment No. 24*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

"55.030. The county auditor of a county [of the first class] having a charter form of government shall prescribe, with the approval of the governing body of the county and the state auditor, the accounting system of the county. He shall keep accounts of all appropriations and expenditures made by the governing body of the county; and no warrant shall be drawn or obligation incurred without his certification that an unencumbered balance, sufficient to pay the same, remains in the appropriation account against which such warrant or obligation is to be charged. He shall audit and examine all accounts, demands, and claims of every kind and character presented for payment against such county, and shall approve to the governing body of the county all lawful, true, and just accounts, demands, and claims of every kind and character payable out of the county revenue or out of any county funds before the same shall be allowed and a warrant issued therefor. Whenever the county auditor deems it necessary to the proper examination of any account, demand, or claim, he may examine the parties, witnesses, and others on oath or affirmation touching any matter or circumstance in the examination of such account, demand, or claim. At the direction of the governing body of the county, he shall audit the accounts of all officers and employees of the county and upon their retirement from office and shall keep a correct account between the county and all county officers; and he shall examine all records and settlements made by them for and with the governing body of the county or with each other; and the county auditor shall, at all reasonable times, have access to all books, county records, or papers kept by any county or township officer, employee, or road overseer. He may keep an inventory of all county property under the control and management of the various officers and departments and shall annually take an inventory of any such property at an original value of [two hundred fifty] **one thousand** dollars or more showing the amount, location and estimated value thereof. He shall perform such other duties in relation to the fiscal administration of the county as the governing body of the county shall from time to time prescribe. The county auditor shall not be personally liable for any costs for any proceeding instituted against him in his official capacity.”; and

Further amend said bill, Page 13, Section 67.2000, Line 237, by inserting after all of said line the following:

**"71.275. Notwithstanding any other provision of this chapter to the contrary, if the governing body of any municipality finds it in the public interest that a parcel of land within a research, development, or office park project established under section 172.273, that is contiguous and compact to the existing corporate limits of the municipality and located in an unincorporated area of the county, should be located in the municipality, such municipality may annex such parcel, provided that the municipality obtains written consent of all the property owners located within the unincorporated area of such parcel.”; and**

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] 4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] 6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Englund raised a point of order that **House Amendment No. 24** goes beyond the scope of the underlying bill.

The Chair ruled the point of order not well taken.

On motion of Representative Gatschenberger, **House Amendment No. 24** was adopted.

Representative Cunningham offered **House Amendment No. 25**.

*House Amendment No. 25*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section 473.742, Line 63, by inserting after all of said line the following:

“488.2205. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order,

ordinance or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, [2010] **2020.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**On motion of Representative Cunningham, House Amendment No. 25 was adopted.**

**Representative Funderburk offered House Amendment No. 26.**

*House Amendment No. 26*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"137.073. 1. As used in this section, the following terms mean:

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for

each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate [may] **shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section.** Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property

or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the

amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be *prima facie* valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the



information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 26** was adopted.

Representative Wasson offered **House Amendment No. 27**.

*House Amendment No. 27*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“230.220. 1. In each county adopting it, the county highway commission established by sections 230.200 to 230.260 shall be composed of the three commissioners of the county commission and one person elected from the unincorporated area of each of the two county commission districts. Except that the presiding commissioner and one of the associate commissioners by process of election may reside in the same township, not more than one member of the county highway commission shall be a resident of the same township of the county. The county commission shall designate one county commission district as district A and the other as district B. The member of the county highway commission first elected from district A shall serve a term of two years. The member first elected from district B shall serve a term of four years. Upon the expiration of the term of each such member, his successors shall be elected for a term of four years. The commissioners of the county commission shall serve as members of the county highway commission during their term as county commissioners.

2. The elected members of the county highway commission shall be nominated at the primary election and elected at the general election next following the adoption of the proposition for the alternative county highway commission by the voters of the county. Candidates shall file and the election shall be conducted in the same manner as for the nomination and election of candidates for county office. Within thirty days after the adoption of an alternative county highway commission by the voters of any county as provided in sections 230.200 to 230.260, the governor shall appoint a county highway commissioner from each district from which a member will be elected at the next following general election. The commissioners so appointed shall hold their office until their successors are elected at the following general election. Appointments shall be made by naming one member from each of the two political parties casting the highest number of votes in the preceding general election.

3. Members of the county highway commission [shall receive as compensation for their services fifteen dollars per day for the first meeting each month and five dollars for each meeting thereafter during the month. The members shall also receive a mileage allowance of eight cents per mile actually and necessarily traveled in the performance of their duties. The compensation and mileage allowance of the members of the commission shall be paid out of the road and bridge fund of the county] **who are not also members of the county's governing body shall receive an attendance fee in an amount per meeting as set by the county's governing body and a mileage allowance for miles actually and necessarily traveled in the performance of their duties in the same amount per mile received by the members of the county's governing body to be paid out of the road and bridge fund of the county.**

4. If a vacancy occurs among the elected members of the county highway commission, the members of the county highway commission shall select a successor who shall serve until the next regular election.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wasson, **House Amendment No. 27** was adopted.

Representative Holsman offered **House Amendment No. 28**.

*House Amendment No. 28*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237, by inserting after all of said line the following:

**"67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the "Property Assessment Clean Energy Act".**

**2. The general assembly hereby finds, determines, and declares that:**

**(1) The development, production, and efficient use of renewable energy, as well as the installation and implementation of energy efficiency improvements to privately and publicly owned property, will create jobs for residents of the state, advance the economic well-being and public and environmental health of the state, and contribute to the energy independence of the nation; and**

(2) The financing of energy efficiency and renewable energy improvement projects and privately and publicly owned property, as provided by sections 67.2800 to 67.2835, will serve a valid public purpose and the primary intent of sections 67.2800 to 67.2835 is to promote such public purpose.

3. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:

(1) "Assessment contract", a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years in exchange for financing of an energy efficiency improvement or a renewable energy improvement;

(2) "Authority", the state environmental improvement and energy resources authority established under section 260.010;

(3) "Bond", any bond, note, or other similar instrument issued by or on behalf of a clean energy development board;

(4) "Clean energy conduit financing", the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;

(5) "Clean energy development board", a board formed by one or more municipalities under section 67.2810;

(6) "Director", the director of the department of economic development;

(7) "Energy efficiency improvement", any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:

(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;

(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;

(c) Automatic energy control systems;

(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;

(e) Caulking and weatherstripping;

(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;

(g) Energy recovery systems; and

(h) Daylighting systems;

(8) "Municipality", any county, city, or incorporated town or village of this state;

(9) "Project", any energy efficiency improvement or renewable energy improvement;

(10) "Property assessed clean energy local finance fund", the fund established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;

(11) "Property assessed clean energy program", a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;

(12) "Renewable energy improvement", any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

4. All projects undertaken under sections 67.2800 to 67.2835 are subject to the applicable municipality's ordinances and regulations, including, but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

67.2805. 1. The authority may, as needed, promulgate administrative rules and regulations relating to the following:

(1) Guidelines and specifications for administering the property assessed clean energy local finance fund; and

(2) Any clarification to the definitions of energy efficiency improvement and renewable energy improvement as the authority may determine is necessary or advisable.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or

to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

67.2810. 1. One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:

(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or

(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.

2. A clean energy development board shall be a separate body politic and corporate and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to 68.2835, including, but not limited to the following:

(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to 68.2835;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To make and enter into contracts and other instruments with public and private entities;

(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;

(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;

(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;

(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;

(9) To finance a project under an assessment contract;

(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;

(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the limitations on investments provided in this subdivision shall not apply to proceeds acquired from the sale of bonds which are held by a corporate trustee; and

(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.

3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board, an annual report for the preceding calendar year that includes:

(1) A brief description of each project financed by the clean energy development board during the preceding calendar year;

(2) The amount of assessments due and the amount collected during the preceding calendar year;

(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;

(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and

(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.

4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.

**67.2815. 1.** A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

**2.** An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:

**(1)** A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;

**(2)** A mechanism for:

**(a)** Verifying the final costs of the project upon its completion; and

**(b)** Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

**(3)** An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that equals or exceeds the total assessments due under the assessment contract;

**(4)** An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;

**(5)** A distribution of assessment amounts among all parcels of real property subject to the assessment contract;

**(6)** A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and

**(7)** An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

**3.** The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.

**4.** The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.

**5.** Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the county collector in the same manner and with the same priority as ad valorem real property taxes. Once collected, the county collector shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.

**6.** Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves the issuance of bonds by the clean energy development board.

**67.2820. 1.** Any clean energy development board may establish a property assessed clean energy program to finance energy efficiency improvements or renewable energy improvements. A property assessed clean energy program shall consist of a program whereby a property owner may apply to a clean energy development board to finance the costs of a project through annual special assessments levied under an assessment contract.

**2.** A clean energy development board may establish application requirements and criteria for project financing approval as it deems necessary to effectively administer such program and ration available funding among projects, including but not limited to requiring projects to meet certain energy efficiency standards.

**3. A clean energy development board may require an initial energy audit as defined in subdivision (4) of subsection 1 of section 640.153, as a prerequisite to project financing through a property assessed clean energy program as well as inspections to verify project completion.**

**67.2825. 1. In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.**

**2. A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.**

**67.2830. 1. A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.**

**2. Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.**

**67.2835. The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic."; and**

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

"260.005. As used in sections 260.005 to 260.125, the following words and terms mean:

(1) "Authority", the state environmental improvement and energy resources authority created by sections 260.005 to 260.125;

(2) "Bonds", bonds issued by the authority pursuant to the provisions of sections 260.005 to 260.125;

(3) "Cost", the expense of the acquisition of land, rights-of-way, easements and other interests in real property and the expense of acquiring or constructing buildings, improvements, machinery and equipment relating to any project, including the cost of demolishing or removing any existing structures, interest during the construction of any project and engineering, research, legal, consulting and other expenses necessary or incident to determining the feasibility or practicability of any project and carrying out the same, all of which are to be paid out of the proceeds of the bonds or notes authorized by sections 260.005 to 260.125;

(4) "Disposal of solid waste or sewage", the entire process of storage, collection, transportation, processing and disposal of solid wastes or sewage;

(5) "Energy conservation", the reduction of energy consumption;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Notes", notes issued by the authority pursuant to sections 260.005 to 260.125;

(8) "Pollution", the placing of any noxious substance in the air or waters or on the lands of this state in sufficient quantity and of such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

(9) "Project", any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery, equipment, and devices or modifications to a building or facility, acquired or constructed, or to be acquired or constructed for the purpose of developing energy resources or preventing or reducing pollution or the disposal of solid waste or sewage or providing water facilities or resource recovery facilities or carrying out energy efficiency

modifications in, but not limited to, buildings owned by the state or providing for energy conservation or increased energy efficiency **or renewable energy**;

(10) **"Renewable energy", the production of energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems;**

(11) "Resource recovery", the recovery of material or energy from solid waste;

[(11)] (12) "Resource recovery facility", any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse;

[(12)] (13) "Resource recovery system", a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues;

[(13)] (14) "Revenues", all rents, installment payments on notes, interest on loans, revenues, charges and other income received by the authority in connection with any project and any gift, grant, or appropriation received by the authority with respect thereto;

[(14)] (15) "Sewage", any liquid or gaseous waste resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(15)] (16) "Solid waste", garbage, refuse, discarded materials and undesirable solid and semisolid residual matter resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(16)] (17) "Synthetic fuels", any solid, liquid, or gas or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivatives thereof, including chemical feedstocks) and which is produced by chemical or physical transformation (other than washing, coking, or desulfurizing) of domestic sources of coal, including lignite and peat; shale; tar sands, including heavy oils; water as a source of hydrogen only through electrolysis, and mixtures of coal and combustible liquids including petroleum; and

[(17)] (18) "Water facilities", any facilities for the furnishing of water for industrial, commercial, agricultural or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, related equipment and machinery.

260.080. No part of the funds of the authority shall inure to the benefit of or be distributable to its members or other private persons except that the authority is authorized and empowered to pay reasonable compensation for services rendered as herein provided for **and to otherwise carry out the provisions of sections 260.005 to 260.125.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Holsman, **House Amendment No. 28** was adopted.

Representative Brown (30) offered **House Amendment No. 29.**

*House Amendment No. 29*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 48.020, Page 2, Line 33, by inserting the following after all of said line:

"49.272. 1. The county commission of any **of the following counties may impose a civil fine as provided in this section:**

(1) Any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[, and in];

(2) Any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but [less] **fewer** than eighty-two thousand one hundred inhabitants[.];

(3) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants[.];

(4) Any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants[, and];

(5) Any county of the first classification with more than two hundred forty thousand three hundred but [less] fewer than two hundred forty thousand four hundred inhabitants[.];

(6) **Any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants.**

**2. Any county listed in subsection 1 of this section** which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor **or infraction** punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brown (30), **House Amendment No. 29** was adopted.

Representative Roorda offered **House Amendment No. 30**.

*House Amendment No. 30*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after said line the following:

“190.015. 1. Whenever the creation of an ambulance district is desired, a number of voters residing in the proposed district equal to ten percent of the vote cast for governor in the proposed district in the next preceding gubernatorial election may file with the county clerk in which the territory or the greater part thereof is situated a petition requesting the creation thereof. In case the proposed district is situated in two or more counties, the petition shall be filed in the office of the county clerk of the county in which the greater part of the area is situated, and the commissioners of the county commission of the county shall set the petition for public hearing. The petition shall set forth:

- (1) A description of the territory to be embraced in the proposed district;
- (2) The names of the municipalities located within the area;
- (3) The name of the proposed district;
- (4) The population of the district which shall not be less than two thousand inhabitants;
- (5) The assessed valuation of the area, which shall not be less than ten million dollars; and

(6) A request that the question be submitted to the voters residing within the limits of the proposed ambulance district whether they will establish an ambulance district pursuant to the provisions of sections 190.001 to 190.090 to be known as "..... Ambulance District" for the purpose of establishing and maintaining an ambulance service.

2. In any county with a charter form of government and with more than one million inhabitants, fire protection districts created under chapter 321, RSMo, may choose to create an ambulance district with boundaries congruent with each participating fire protection district's existing boundaries provided no ambulance district already exists in whole or part of any district being proposed and the dominant provider of ambulance services within the proposed district as of September 1, 2005, ceases to offer or provide ambulance services, and the board of each participating district, by a majority vote, approves the formation of such a district and participating fire protection districts are contiguous. Upon approval by the fire protection district boards, subsection 1 of this section shall be followed for formation of the ambulance district. Services provided by a district under this subsection shall only include emergency ambulance services as defined in section 321.225, RSMo.

**3. Any ambulance district established under this chapter on or after August 28, 2010, may levy and impose a sales tax in lieu of a property tax to fund the ambulance district. The petition to create the ambulance district shall state whether the district will be funded by a property or a sales tax.**

190.035. Each notice shall state briefly the purpose of the election, setting forth the proposition to be voted upon and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by sections 190.005 to 190.085, and shall have the power to levy a property tax not to exceed thirty cents on the one hundred dollars valuation, **or to levy a sales tax in lieu of a property tax, and shall state the rate of the sales tax.**



190.040. The question shall be submitted in substantially the following form:

Shall there be organized in the counties of ....., state of Missouri, an ambulance district for the establishment and operation of an ambulance service to be located within the boundaries of said proposed district and having the power to impose a property tax not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation without voter approval, **or a sales tax not to exceed ..... percent without voter approval**, and such additional tax as may be approved hereafter by vote thereon, to be known as "..... Ambulance District" as prayed for by petition filed with the county clerk of ..... County, Missouri, on the ..... day of ....., 20....?"; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

"Section C. The emergency clause contained in Section B of this act shall not apply to sections 190.015 and 190.040 of Section A of this act."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roorda, **House Amendment No. 30** was adopted.

Representative Jones (117) offered **House Amendment No. 31**.

*House Amendment No. 31*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237, by inserting after all of said line the following:

"68.025. 1. Every local and regional port authority, approved as a political subdivision of the state, shall have the following powers to:

(1) Confer with any similar body created under laws of this or any other state for the purpose of adopting a comprehensive plan for the future development and improvement of its port districts;

(2) Consider and adopt detailed and comprehensive plans for future development and improvement of its port districts and to coordinate such plans with regional and state programs;

(3) **Establish a port improvement district in accordance with this chapter;**

(4) **Carry out any of the projects enumerated in subdivision (16) of section 68.305;**

(5) **Within the boundaries of any established port improvement district, to levy either a sales and use tax or a real property tax, or both, for the purposes of paying any part of the cost of a project benefitting property in a port improvement district, except that no port improvement district real property tax shall be levied on any property, real or personal, that is assessed under chapter 151 unless such real property tax levy is agreed to in writing by the party responsible for the taxes;**

(6) **Pledge both revenues generated by any port improvement district and any other port authority revenue source to the repayment of any outstanding obligations;**

(7) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

[(4)] (8) Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of its port districts and any industrial development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

[(5)] (9) Represent its port districts before all federal, state and local agencies;

[(6)] (10) Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;

[(7)] (11) Enter into any agreement with any other states, agencies, authorities, commissions, municipalities, persons, corporations, or the United States, to effect any of the provisions contained in this chapter;

[(8)] (12) Approve the construction of all wharves, piers, bulkheads, jetties, or other structures;

[(9)] (13) Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health and general welfare of the

port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

[(10)] (14) Recommend the relocation, change, or removal of dock lines and shore or harbor lines;

[(11)] (15) Acquire, own, construct, redevelop, lease, maintain, and conduct land reclamation and resource recovery [with respect to unimproved land], **including the removal of sand, rock, or gravel**, residential developments, commercial developments, mixed-use developments, recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

[(12)] (16) Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

[(13)] (17) Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce, unless such use is by a port authority pursuant to a lease in which event the power of eminent domain shall apply;

[(14)] (18) Contract and be contracted with, and to sue and be sued;

[(15)] (19) Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

[(16)] (20) Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The port authority may also contract with independent contractors for any of the foregoing assistance;

[(17)] (21) Improve navigable and nonnavigable areas as regulated by federal statute;

[(18)] (22) Disburse funds for its lawful activities and fix salaries and wages of its employees; and

[(19)] (23) Adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; however, said bylaws, rules and regulations shall not exceed the powers granted to the port authority by this chapter.

2. In implementing its powers, the port authority shall have the power to enter into agreements with private operators or public entities for the joint development, redevelopment, and reclamation of property within a port district or for other uses to fulfill the purposes of the port authority.

68.035. 1. The state may make grants to a state port fund, as appropriated by the general assembly, to be allocated by the department of transportation to local port authorities or regional port coordinating agencies. These grants, administered on a nonmatching basis, could be used for managerial, engineering, legal, research, promotion, planning and any other expenses.

2. In addition the state may make capital improvement matching grants contributing eighty percent of the funds and local port authorities contributing twenty percent of the funds for specific [projects] **undertakings** of port development such as land acquisitions, construction, terminal facility development, **port improvement projects**, and other related port facilities. **Notwithstanding the foregoing, any matching grants awarded by the Missouri highways and transportation commission under the port capital improvement program shall be transportation related.**

3. The grants provided herein may be used as the local share in applying for other grant programs.

68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities **and the financing of port improvement projects**; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions,

investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter, be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

68.070. [If, at any time] **Provided a local or regional port authority has no outstanding obligations**, the legislative body or county commission of a city or county, in which a local port authority is situated, votes, by majority, to dissolve said port authority, the local port authority shall be dissolved effective the date of approval of the dissolution by the highways and transportation commission of the state. If, at any time, all of the legislative bodies or county commissions of members of a regional port authority vote, by majority, to dissolve the regional port authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a local or regional port authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

**68.300. Sections 68.300 to 68.360 shall be known and may be cited as the "Port Improvement District Act".**

**68.305. As used in sections 68.300 to 68.360, unless the context clearly requires otherwise, the following terms shall mean:**

- (1) "Act", the port improvement district act, sections 68.300 to 68.360;
- (2) "Approval", for purposes of elections under this act, a simple majority of those qualified voters casting votes in any election;
- (3) "Board", the board of port authority commissioners for the particular port authority that desires to establish or has established a district;
- (4) "Director of revenue", the director of the department of revenue of the state of Missouri;
- (5) "District" or "port improvement district", an area designated by the port authority which is located within its port district boundaries at the time of establishment;
- (6) "Disposal of solid waste or sewage", the entire process of storage, collection, transportation, processing, and disposal of solid wastes or sewage;
- (7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located under chapter 115;
- (8) "Energy conservation", the reduction of energy consumption;
- (9) "Energy efficiency", the increased productivity or effectiveness of the use of energy resources, the reduction of energy consumption, or the use of renewable energy sources;
- (10) "Obligations", revenue bonds and notes issued by a port authority and any obligations for the repayment of any money obtained by a port authority from any public or private source along with any associated financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt service;
- (11) "Owner", the individual or individuals or entity or entities who own a fee interest in real property that is located within the boundaries of a district based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to any action;
- (12) "Petition", a petition to establish a port improvement district within the port district boundaries or a petition to make a substantial change to an existing district;
- (13) "Pollution", the existence of any noxious substance in the air or waters or on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to injure or harm the public health or welfare or animal life or property;
- (14) "Port authority", a political subdivision established under this chapter;

(15) "Port district boundaries", the boundaries of any port authority on file with the clerk of the county commission, city clerk, or clerk of the legislative or governing body of the county as applicable, which became effective upon approval by the highways and transportation commission of the state of Missouri;

(16) "Project" or "port improvement project", with respect to any property within a port improvement district, or benefitting property within a port improvement district:

(a) Providing for, or contracting for the provision of, environmental cleanup, including the disposal of solid waste, services to brownfields, or other polluted real property;

(b) Providing for, or contracting for the provision of, energy conservation or increased energy efficiency within any building, structure, or facility;

(c) Providing for, or contracting for the provision of, wetland creation, preservation, or relocation;

(d) The construction of any building, structure, or facility determined by the port authority as essential in developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(e) Modifications to, or the relocation of, any existing building, structure, or facility that has been acquired or constructed, or which is to be acquired or constructed for the purpose of developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(f) The acquisition of real property determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing public or private building, structure, or facility determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(h) The construction of any new building, structure, or facility that is determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(17) "Qualified project costs", include any and all reasonable costs incurred or estimated to be incurred by a port authority, or a person or entity authorized by a port authority, in furtherance of a port improvement project, which costs may include, but are not limited to:

(a) Costs of studies, plans, surveys, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, research, marketing, financial, planning, consulting, and special services, including professional service costs necessary or incident to determining the feasibility or practicability of any project and carrying out the same;

(c) Administrative fees and costs of a port authority in carrying out any of the purposes of this act;

(d) Property assembly costs, including, but not limited to, acquisition of land and other property and improvements, real or personal, or rights or interests therein, demolition of buildings and structures, and the clearing or grading of land, machinery, and equipment relating to any project, including the cost of demolishing or removing any existing structures;

(e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing buildings, structures, or fixtures;

(f) Costs of constructing new buildings, structures, or fixtures;

(g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, and repairing public works or improvements;

(h) Financing costs, including, but not limited to, all necessary and incidental expenses related to the port authority's issuance of obligations, which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(i) All or a portion of the port authority's capital costs resulting from a port improvement project necessarily incurred or to be incurred in furtherance of a port improvement project, to the extent the port authority accepts and approves such costs; and

(j) Relocation costs, to the extent that a port authority determines that relocation costs shall be paid, or are required to be paid, by federal or state law;

(18) "Qualified voters", for the purposes of an election for the approval of a real property tax or a sales and use tax:

(a) Registered voters residing within the district; or

(b) If no registered voters reside within the district, the owners of one or more parcels of real property within the district, which would be subject to such real property taxes or sales and use taxes, as applicable, based

upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(19) "Registered voters", persons who reside within the district and who are qualified and registered to vote under chapter 115, as determined by the election authority as of the thirtieth day prior to the date of the applicable election;

(20) "Respondent", the Missouri highways and transportation commission, each property owner within the proposed district, the municipality or municipalities within which the proposed district is located, the county or counties within which the proposed district is located, and any other political subdivision within the boundaries of the proposed port improvement district, except the petitioning port authority;

(21) "Revenues", all rents, revenues from any levied real property tax and sales and use tax, charges and other income received by a port authority in connection with any project, including any gift, grant, loan, or appropriation received by the port authority with respect thereto;

(22) "Substantial changes", with respect to an established port improvement district, the addition or removal of real property to or from the port improvement district and any changes to the approved district funding mechanism; and

(23) "Water facilities", any facilities for the furnishing and treatment of water for industrial, commercial, agricultural, or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, storm water detention and retention facilities, and related equipment and machinery.

**68.310. 1.** A port authority may establish one or more port improvement districts within its port district boundaries for the purpose of funding qualified project costs associated with an approved port improvement project. Notwithstanding any provision of sections 68.300 to 68.360 to the contrary, a port authority district shall not have the authority to establish any port improvement district located within any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants. In order to form a district or to make substantial changes to an existing district, the board shall:

- (1) Draft a petition in accordance with subsection 2 of this section;
- (2) Hold a public hearing in accordance with section 68.315;
- (3) Subsequent to the public hearing, approve by resolution the draft petition containing any approved changes and amendments deemed necessary or desirable by a majority of the board members;

(4) File the approved draft petition in the circuit court of the county where the port improvement district is located, requesting the creation of a port improvement district in accordance with sections 68.300 to 68.360; and

(5) Within thirty days of the circuit court's certification of the petition and establishment of the district, file a copy of the board's resolution approving the petition, the certified petition, and the circuit court judgment certifying the petition and establishing the district with the Missouri highways and transportation commission.

**2.** A petition is proper for consideration and approval by the board and the circuit court if, at the time of such approval, it has been signed by property owners collectively owning more than sixty percent per capita of all owners of real property within the boundaries of the proposed district and contains the following information:

(1) The legal description of the proposed district, including a map illustrating the legal boundaries. The proposed district shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements or rights-of-way, or connected by a single public street, easement, or right-of-way shall be considered contiguous;

(2) A district name designation which shall be set out in the following format:

- (a) The name of the Missouri county or municipality in which the port district boundaries are filed;
- (b) The words "port improvement district"; and
- (c) The district designation number, beginning at 1 for the first district formed by that specific port authority, and progressing consecutively upward, irrespective of the year established;

(3) A description of the proposed project or projects for which the district is being formed, and the estimated qualified project costs of such projects;

(4) The maximum rate or rates and duration of any proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project;

(5) The estimated revenues projected to be generated by any such tax or taxes;

(6) The name and address of each respondent;

(7) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;

(8) A request that the circuit court certify the projects under the act, approve the proposed real property tax or sales and use tax, or both, as applicable, and establish the district.

68.315. 1. Not more than ten days prior to the submission of the petition to the circuit court, the port authority shall hold or cause to be held a public hearing on the proposed project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections, and endorsements shall be heard at the public hearing.

2. The public hearing may be continued to another date without further notice other than a motion to be entered on the official port authority meeting minutes fixing the date, time, and place of the continuance of the public hearing.

3. Notice shall be provided by both publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality or county in which the port authority is located at least once not more than fifteen, but not less than ten, days prior to the date of the public hearing. Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date of the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner within the boundaries of the proposed district. The published and mailed notices shall include the following:

(1) The date, time, and place of the public hearing;

(2) A statement that a petition for the establishment of a district has been drafted for public hearing by the board;

(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;

(4) A brief description of the projects proposed to be undertaken, the estimated cost thereof, and the proposed method of financing such costs by a real property tax or sales and use tax, or both, as applicable;

(5) A statement that a copy of the petition is available for review at the office of the port authority during regular business hours;

(6) The address of the port authority's office; and

(7) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

68.320. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident or taxpayer within the proposed district not qualifying as a respondent may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk under section 68.325.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or in part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. The court shall then certify the single question regarding the proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project for voter approval. If no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

68.325. The circuit court clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

**NOTICE OF PETITION TO CREATE A PORT IMPROVEMENT DISTRICT**

Notice is hereby given to all persons residing or owning property in ..... (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that a port improvement district by the name of "..... Port District No. ...." be formed for the purpose of developing the following projects: (here summarize the proposed project or projects). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the port improvement district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20..... You may show cause, if any, why such petition is defective or proposed port improvement district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be approved as directed by this court.

.....

Clerk of the Circuit Court of ..... County

68.330. 1. Upon the port authority's own initiative, and after proper notice being provided and a public hearing being conducted in accordance with subsection 2 of this section, any district may be terminated by a resolution of the board, provided that there are no outstanding obligations secured in any way by district revenues produced from such district. A copy of such resolution shall be filed with the Missouri highways and transportation commission within thirty days of its passage.

2. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 68.315. The notice shall contain the following information:

- (1) The date, time, and place of the public hearing;
- (2) A statement that the port authority proposes a resolution terminating the district; and
- (3) A statement that all interested parties will be given an opportunity to be heard.

3. Notwithstanding the requirements of this section, if the port authority that has formed the district is dissolved in accordance with this chapter, the district shall automatically be terminated, and any taxes levied shall simultaneously be repealed, except that this subsection shall not apply in such instance when a local port authority is dissolved under subsection 6 of section 68.060 in order to consolidate into a regional port authority.

68.335. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district under this act, and subsequent to the circuit court's certification of a question regarding any proposed real property tax needed to fund a project, a port authority may levy by resolution a tax upon real property within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.355, the circuit court's certified question regarding such proposed real property tax. If a majority of the votes cast by the qualified voters voting on the proposed real property tax are in favor of the tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the real property tax, then the resolution seeking to levy the real property tax shall be deemed to be null and void on the date on which the election may no longer be challenged under section 68.355. The port authority may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters under subsection 1 of this section and may, by resolution, increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

2. The ballot shall be substantially in the following form:

"Shall the ..... (insert name of district) impose a real property tax upon (all real property) within the district at a rate of not more than ..... (insert amount) dollars per hundred dollars assessed valuation for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects) in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. A port authority may repeal or amend by resolution any real property tax imposed under this section before the expiration date of such real property tax unless the repeal or amendment of such real property tax will impair the port authority's ability to repay any obligations the port authority has incurred to pay any part of the cost of a port improvement project.

4. All property, real and personal, assessed under sections 151.010 to 151.340 is hereby specifically exempted from taxes levied, assessed, or payable under this section unless such real property tax levy is agreed to in writing by the property's owner.

68.340. 1. The county collector of each county in which the district is located, or the collector for the city in which the district is located if the district is located in a city not within a county, shall collect the real property tax made upon all real property within that county and district, in the same manner as other real property taxes are collected.

2. Every county or municipal collector and treasurer having collected or received district real property taxes shall, on or before the fifteenth day of each month and after deducting the reasonable and actual cost of such collection but not to exceed one percent of the total amount collected, remit to the port authority the amount collected or received by the port authority prior to the first day of such month. Upon receipt of such money, the port authority shall execute a receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer who collected such money. The port authority shall deposit such sums which are designated for a specific project into a special trust fund to be expended solely for such purpose, or to the port authority treasury if such sums are not designated. The county or municipal collector or treasurer, and port authority shall make final settlement of the port authority account and costs owing, not less than once each year, if necessary.

3. Upon the expiration of any real property tax adopted under this section which is designated for a specific project, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority under applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

68.345. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district under this act, and subsequent to the circuit court's certification of a question regarding any proposed sales and use tax needed to fund a project, a port authority may levy by resolution a district wide sales and use tax on all retail sales made in such district which are subject to taxation under sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax imposed under this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent; except that, no resolution adopted under this section shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.350, the circuit court's certified question regarding such proposed sales and use tax. If a majority of the votes cast by the qualified voters on the proposed sales and use tax are in favor of the sales and use tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then the resolution seeking to levy the sales and use tax shall be deemed null and void on the date on which the election may no longer be challenged under section 68.355.

2. The ballot shall be substantially in the following form:

"Shall the ..... (insert name of district) impose a district wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the port authority shall, in accordance with section 32.087, notify the director of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of such sales and use tax.



4. The director of revenue shall collect any sales and use tax adopted under this section and section 32.087.

5. In each district in which a sales and use tax is imposed under this section, every retailer shall add such additional tax imposed by the port authority to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

7. All revenue received by the port authority from a sales and use tax imposed under this section which is designated for a specific project shall be deposited into a special trust fund to be expended solely for such purpose, or to the port authority's treasury if such sums are not designated. Upon the expiration of any sales and use tax adopted under this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority under applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

8. A port authority may repeal by resolution any sales and use tax imposed under this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the port authority's ability to repay, or unless the sales and use tax in any way secure any outstanding obligations the port authority has incurred to pay any part of the qualified project costs of any approved port improvement project.

68.350. 1. Notwithstanding the provisions of chapter 115, except the provisions of section 115.125, when applicable, an election for any proposed real property tax or proposed sales and use tax, or both, within a district under this act shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution approving the levy of a real property tax or a sales and use tax, or both, the board shall provide written notice of such resolution, along with the circuit court's certified question regarding the real property tax or the sales and use tax, or both, as applicable, to the election authority. The board shall be entitled to repeal or amend such resolution provided that written notice of such repeal or amendment is delivered to the election authority prior to the date that the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a port authority's resolution, along with the circuit court's certified question, for the levy of a real property tax or a sales and use tax, or both, the election authority shall:

(1) Specify a date upon which the election shall occur, which date shall be a Tuesday and shall be, unless otherwise approved by the board, election authority, and applicable circuit court under section 115.125, not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day as an election conducted under the provisions of chapter 115;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be not more than forty-five, but not less than thirty-five, days prior to the date of the election, and the second publication date shall be not more than twenty, and not less than ten, days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

(a) The name and general boundaries of the district;

(b) The type of tax proposed (real property tax or sales and use tax or both), its rate or rates, and its purpose or purposes;

(c) The date the ballots for the election shall be mailed to qualified voters;

(d) The date of the election;

(e) The applicable definition of qualified voters;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail the ballot, a notice containing substantially the same information as the published notice, and a return addressed envelope directed to the election authority's office with a sworn

affidavit on the reverse side of such envelope for the qualified voter's signature to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election. For purposes of mailing ballots to real property owners, only one ballot shall be mailed per capita at the address shown on the official or recorded real estate records of the county recorder or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be in substantially the following form:

**FOR REGISTERED VOTERS:**

I hereby declare under penalties of perjury that I reside in the ..... Port Improvement District No. .... (insert name of district) and I am a registered voter and qualified to vote in this election.

.....  
Qualified Voter's Signature

.....  
Printed Name of Qualified Voter

**FOR REAL PROPERTY OWNERS:**

I hereby declare under penalty of perjury that I am the owner of real property in the ..... Port Improvement District No. .... (insert name of district) and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... Port Improvement District No. .... (insert name of district) which is qualified to vote in this election.

.....  
Signature

.....  
Print Name of Real Property Owner

If Signer is Different from Owner:

Name of Signer: .....

State Basis of Legal Authority to Sign: .....

All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four. The judges shall be selected by the election authority from lists it has compiled. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115.

6. The results of the election shall be entered upon the records of the election authority and two certified copies of the election results shall be filed with the port authority and entered upon the records of the port authority.

7. The port authority shall reimburse the election authority for the costs it incurs to conduct an election under this section.

8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port authority from proposing both a real property tax levy question and a sales and use tax levy question to the district's qualified voters in the same election.

68.355. No lawsuit to set aside a district established or a tax levied under this act, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the circuit court judgment establishing such district in question or the effective date of the resolution levying such tax in question.

68.359. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025 to 68.360 shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 68.025 to 68.360.

**68.360. 1. The provisions of this section shall only apply to a port authority that has formed a district.**

**2. In addition to any other report required of a port authority, within one hundred twenty days following the last day of the port authority's fiscal year, the board shall submit a report to the clerk of either the municipality or county which formed the port authority under section 68.010, and to the Missouri department of transportation stating the services provided, revenues collected and expenditures made by the district during such fiscal year, and copies of written resolutions approved by the board during the fiscal year. The municipal clerk or county clerk, as applicable, shall retain this report as part of the official records of the municipality or county and shall also cause this report to be spread upon the records of the governing body.**

**3. In addition to the report required under subsection 2 of this section, upon the approval by the qualified voters of a real property tax or sales and use tax, or both, in accordance with the act, each authority shall annually submit a report to the auditor of the state of Missouri in accordance with section 105.145.**

**68.370. Any expenditure made by the port authority that is over twenty-five thousand dollars, including professional service contracts, shall be competitively bid.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (117), **House Amendment No. 31** was adopted.

Representative Meadows offered **House Amendment No. 32.**

*House Amendment No. 32*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the follow:

**“66.720. No county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants shall adopt any charter provision or any order or ordinance that prohibits such county from contracting out the county's probation services with a private entity.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

**“Section C. The emergency clause contained in Section B of this act shall not apply to section 66.720 of Section A of this act.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Meadows, **House Amendment No. 32** was adopted.

Representative Jones (117) offered **House Amendment No. 33.**

*House Amendment No. 33*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

**“104.405. 1. This section shall be known and may be cited as the "2010 State Employee Retirement Incentive Program".**

**2. As used in this section, "years of service incentive benefit" means for employees eligible to retire under section 104.406, with at least ten years of creditable service, an amount equal to one thousand dollars for each year of creditable service up to a maximum of twenty years of creditable service.**

3. Any employee retiring under section 104.406 shall be eligible to receive the years of service incentive benefit.

4. The state, through the office of administration, shall pay the years of service incentive benefit to the member or the member's beneficiary in five equal installments beginning in January of 2011 and each January thereafter until all five equal installments have been paid.

5. (1) The office of administration shall administer the program and shall adopt administrative rules to administer the program. The office of administration may adopt rules on an emergency basis to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

(2) Records of the Missouri state employees' retirement system shall be released for the purposes of administering and monitoring the program.

(3) The office of administration shall present an interim report to the general assembly, by March 31, 2011, concerning the operation of the program. The office of administration shall also submit an annual update concerning the program by December thirty-first of each year for four years, commencing December 31, 2011. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions not filled under the program, and the number of positions vacated by a program participant that have been refilled.

104.406. 1. Any employee who has not been a retiree of the system, who is eligible to receive a normal annuity under section 104.080, 104.090, 104.100, 104.271, or 104.400, or a life annuity under section 104.1024 and terminates employment on or after December 31, 2009, after reaching normal eligibility and becomes a retiree within sixty days of such termination whose annuity commences on or after January 1, 2010, but no later than December 1, 2010, shall be eligible to receive the years of service incentive benefit described in section 104.405. This subsection shall not apply to any employee whose eligibility to retire is based solely on early retirement eligibility. Any employee eligible to receive the years of service incentive benefit described in section 104.405 who terminates employment on or after December 31, 2009, after reaching normal eligibility but before the effective date of this section and becomes a retiree within sixty days of such termination whose annuity commences on or after January 1, 2010, but no later than December 1, 2010, shall be made, constituted, and appointed by the board as a special consultant on the problems of retirement, aging, and other matters relating to retirement and shall be eligible for additional compensation. As additional compensation for such services, each special consultant shall be eligible for the years of service incentive benefit described in section 104.405. In no event shall any years of service incentive benefit described in section 104.405 be provided to any individual retiring outside the dates outlined in this section.

2. The state may hire employees to replace those employees retiring under this section and section 104.405, except that departments shall not fill those positions vacated using more than fifty percent of the personal service funds of the positions vacated. Exceptions to the fifty percent restriction may be made for positions which are entirely federally funded. Such determination shall be made by rule and regulation promulgated by the office of administration.

3. An employee making an election to retire under the provisions of this section and section 104.405 shall be prohibited from any employment with any department as defined in this chapter.

4. The governing boards of Truman State University, Lincoln University, the educational institutions described in section 174.020, the highway commission that governs the health care plans of the Missouri department of transportation and the Missouri state highway patrol, and the conservation commission of the department of conservation may elect to provide its employees or retirees who retire under this section the same benefits as described in this section and section 104.405.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

6. The Missouri state employees' retirement system shall make a report in writing to the commissioner of administration by January 31, 2011, regarding the number of state employees eligible to retire under this section and the number of actual retirements under this section. The commissioner of administration shall report in writing by March 31, 2011, to the governor and the general assembly regarding the information provided by the Missouri state employees' retirement system and the years of service incentive benefit payments, including

**an analysis of the costs and savings as a result of such retirements, the amount of payroll reduced, and the number of positions that are core cut as a result of such retirements.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. Because immediate action is necessary to address the current fiscal crisis, the repeal and reenactment sections 104.405 and 104.406 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of Sections 104.405 and 104.406 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (117), **House Amendment No. 33** was adopted.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Iceet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McDonald	McNeil	Meadows	Morris
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 012

Corcoran	Diehl	Flanigan	Franz	LeBlanc
McClanahan	McGhee	Meiners	Salva	Vogt
Wasson	Webb			

VACANCIES: 001

On motion of Representative Sutherland, **HCS SCS SB 808, as amended**, was adopted.

On motion of Representative Sutherland, **HCS SCS SB 808, as amended**, was read the third time and passed by the following vote:

AYES: 105

Allen	Aull	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Burlison
Burnett	Calloway	Carter	Chappelle-Nadal	Conway
Cooper	Cox	Cunningham	Curls	Day
Deeken	Denison	Dieckhaus	Dixon	Dougherty
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flook	Funderburk	Gatschenberger	Grill	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Hummel
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Lair	Largent
Leara	LeVota	Liese	Lipke	McDonald
McNary	McNeil	Meadows	Molendorp	Munzlinger
Nasheed	Nieves	Nolte	Parkinson	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Tracy	Viebrock	Walsh
Wasson	Webber	Weter	Whitehead	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 045

Atkins	Ayres	Bringer	Casey	Colona
Davis	Dethrow	Dugger	Dusenberg	Emery
Ervin	Frame	Harris	Hodges	Hoskins 80
Hughes	Icet	Jones 63	Kander	Koenig
Kraus	Kuessner	Lampe	Low	Morris
Nance	Newman	Norr	Oxford	Pace
Parson	Pollock	Pratt	Sander	Schad
Shively	Skaggs	Spreng	Talboy	Todd
Walton Gray	Webb	Wells	Wilson 119	Zimmerman

PRESENT: 000

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ABSENT WITH LEAVE: 012

Corcoran	Diehl	Flanigan	Franz	Grisamore
LeBlanc	Loehner	McClanahan	McGhee	Meiners
Vogt	Wallace			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 049

Allen	Bivins	Brandom	Brown 149	Bruns
Burnett	Cox	Cunningham	Day	Deeken
Denison	Dieckhaus	Dougherty	Fisher 125	Guernsey
Guest	Hobbs	Jones 117	Kelly	Kingery
Kratky	Leara	Liese	McDonald	McNary
Meadows	Molendorp	Munzlinger	Nasheed	Nolte
Ruestman	Ruzicka	Sater	Schaaf	Scharnhorst
Schlottach	Self	Stevenson	Still	Storch
Stream	Sutherland	Thomson	Tilley	Viebrock
Wasson	Weter	Wright	Zerr	

NOES: 100

Atkins	Aull	Ayres	Biermann	Bringer
Brown 30	Brown 50	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Curls	Davis
Dethrow	Dixon	Dugger	Dusenberger	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Flook	Frame	Funderburk	Gatschenberger	Grill
Grisamore	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Kander	Keeney	Kirkton	Koenig
Komo	Kraus	Kuessner	Lair	Lampe
Largent	LeVota	Lipke	Loehner	Low
McNeil	Meiners	Morris	Nance	Newman
Nieves	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Riddle	Roorda
Rucker	Salva	Sander	Scavuzzo	Schad
Schieffer	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Swinger	Talboy	Todd	Tracy	Walsh
Walton Gray	Webb	Webber	Wells	Whitehead
Wilson 119	Wilson 130	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 013

Colona	Cooper	Corcoran	Diehl	Flanigan
Franz	LeBlanc	McClanahan	McGhee	Quinn
Vogt	Wallace	Mr Speaker		

VACANCIES: 001

**HOUSE BILL WITH SENATE AMENDMENT**

**HCS HB 2070, with Senate Amendment No. 1**, relating to emergency dispatching services, was taken up by Representative Kelly.

Representative Kelly moved that the House refuse to concur in **Senate Amendment No. 1** to **HCS HB 2070** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**BILLS CARRYING REQUEST MESSAGES**

**HCS SB 791, as amended**, relating to utilities, was taken up by Representative Emery.

Representative Emery moved that the House refuse to recede from its position on **HCS SB 791, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 981, as amended**, relating to sales taxes, was taken up by Representative Sutherland.

Representative Sutherland moved that the House refuse to recede from its position on **HCS SB 981, as amended**, and grant the Senate a conference.

Which motion was adopted.

**THIRD READING OF SENATE BILLS**

**HCS#2 SB 848**, relating to animals and energy, was taken up by Representative Loehner.

Representative Schad offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute No. 2 for Senate Bill No. 848, Sections 386.715 and 393.150, by removing all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schad, **House Amendment No. 1** was adopted.

Representative Guernsey offered **House Amendment No. 2**.



*House Amendment No. 2*

AMEND House Committee Substitute No. 2 for Senate Bill No. 848, Page 9, Section 393.1030, Line 58, by inserting immediately after said line the following:

**“Section 1. 1. Damages allowable for a private nuisance on property used for farming purposes as defined in sections 262.801 and 262.805 shall be as follows:**

**(1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the claimant’s property caused by the nuisance, but not to exceed the fair market value of the property;**

**(2) If the nuisance is a temporary nuisance, compensatory damages shall be measured by the diminution in the fair rental value of the property which resulted from the nuisance;**

**(3) No damages shall be awarded for annoyance, discomfort, sickness, emotional distress, or similar claims for a private nuisance.**

**2. In the event a claim for injury or damages to a person is asserted in the same proceeding as a claim for damage to the claimant’s property cause by a private nuisance, liability for such personal injury or damage shall be determined on the basis of applicable principles of tort law independent of whether the defendant’s use of property is found to constitute a nuisance.**

**3. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.**

[537.296. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.]”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Bringer raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Guernsey, **House Amendment No. 2** was adopted by the following vote:

AYES: 078

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Guernsey	Guest
Hobbs	Hoskins 121	Ice	Jones 89	Keeney
Kingery	Koenig	Lair	Largent	Leara
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Zerr	Mr Speaker		

NOES: 073

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dixon	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Grisamore	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Jones 117	Kander
Kelly	Kirkton	Komo	Kratky	Kraus
Kuessner	Lampe	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McNeil	Meadows
Newman	Norr	Oxford	Pace	Pratt
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Self	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 001

Low

ABSENT WITH LEAVE: 010

Corcoran	Flanigan	LeBlanc	McGhee	Meiners
Morris	Salva	Spreng	Vogt	Wright

VACANCIES: 001

Representative Harris offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute No. 2 for Senate Bill No. 848, Pages 1 to 3, Section 267.810, Lines 1 to 50, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Harris moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Atkins	Biermann	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
Liese	McClanahan	McDonald	McNeil	Meadows
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Schieffer	Schupp

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Shively	Skaggs	Still	Storch	Talboy
Todd	Walsh	Walton Gray	Webber	Whitehead
Yaeger	Zimmerman			

NOES: 090

Allen	Aull	Ayres	Bivins	Brandom
Brown 30	Brown 149	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Hughes	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Webb	Wells
Weter	Wilson 119	Wilson 130	Witte	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 015

Bruns	Corcoran	Flanigan	LeBlanc	LeVota
Low	McGhee	Meiners	Parson	Salva
Schoemehl	Spreng	Vogt	Wright	Mr Speaker

VACANCIES: 001

### Representative Schlottach offered **House Amendment No. 4.**

#### *House Amendment No. 4*

AMEND House Committee Substitute No. 2 for Senate Bill No. 848, Page 4, Section 273.329, Line 19, by inserting after all of said line the following:

“311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

3. **Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schlottach, **House Amendment No. 4** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wasson	Wells	Weter
Wilson 119	Wilson 130	Zerr	Mr Speaker	

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
McClanahan	McDonald	McNeil	Meadows	Morris
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 012

Corcoran	Flanigan	LeBlanc	Low	McGhee
Meiners	Salva	Schoemehl	Spreng	Vogt
Wallace	Wright			

VACANCIES: 001

On motion of Representative Loehner, **HCS#2 SB 848, as amended**, was adopted.

On motion of Representative Loehner, **HCS#2 SB 848, as amended**, was read the third time and passed by the following vote:

AYES: 091

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guest	Hobbs	Hoskins 121	Hughes	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kuessner	Lair	Largent	Leara	Liese
Lipke	Loehner	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Riddle	Rucker
Ruestman	Sander	Sater	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tracy	Viebrock	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Mr Speaker				

NOES: 052

Atkins	Bringer	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Curls	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kraus	Lampe	LeVota	McClanahan	McNeil
Meadows	Morris	Newman	Pace	Pratt
Quinn	Roorda	Scavuzzo	Schupp	Shively
Skaggs	Still	Storch	Swinger	Todd
Walsh	Walton Gray	Webb	Webber	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 019

Corcoran	Flanigan	Guernsey	LeBlanc	Low
McDonald	McGhee	Meiners	Oxford	Ruzicka
Salva	Schoemehl	Spreng	Talboy	Tilley
Vogt	Wallace	Wright	Zerr	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS SS SCS SBs 586 & 617, with Part I, Part II, Part III and Part IV, pending,** relating to sexually oriented businesses, was taken up by Representative Emery.

Representative Skaggs offered **House Amendment No. 1 to Part I.**

Representative Stevenson raised a point of order that **House Amendment No. 1 to Part I** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Colona offered **House Amendment No. 2 to Part I.**

*House Amendment No. 2*

AMEND Part I of House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 586 & 617, Section 573.528, Page 4, Lines 83-84, by deleting all of said lines and inserting in lieu thereof the following:

**“definition shall apply to such a place where any person appears in a state of nudity:”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Munzlinger assumed the Chair.

Representative England offered **House Substitute Amendment No. 1 for House Amendment No. 2 to Part I.**

Speaker Pro Tem Pratt resumed the Chair.

**House Substitute Amendment No. 1 for House Amendment No. 2 to Part I** was withdrawn.

Representative Colona moved that **House Amendment No. 2 to Part I** be adopted.

Which motion was defeated.

Representative Colona offered **House Amendment No. 3 to Part I.**

Representative Stevenson raised a point of order that **House Amendment No. 3 to Part I** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Tilley moved the previous question.

## 1722 *Journal of the House*

Which motion was adopted by the following vote:

AYES: 088

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McNary	Meadows	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Zerr	Mr Speaker		

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Quinn
Rucker	Salva	Scavuzzo	Schieffer	Schupp
Shively	Skaggs	Still	Storch	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Corcoran	Flanigan	LeBlanc	McGhee	Meiners
Roorda	Schaaf	Schoemehl	Spreng	Vogt
Wright	Yaeger			

VACANCIES: 001

On motion of Representative Emery, **Part I of HCS SS SCS SBs 586 & 617** was adopted by the following vote:

AYES: 117

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Diehl	Dixon	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hobbs	Hodges	Hoskins 121
Hummel	Ice	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McNeil	Meadows	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Zerr
Zimmerman	Mr Speaker			

NOES: 030

Atkins	Burnett	Carter	Chappelle-Nadal	Colona
Curls	Dieckhaus	Dougherty	Holsman	Hoskins 80
Hughes	Jones 63	LeVota	Low	McDonald
McNary	Morris	Nasheed	Newman	Norr
Oxford	Pace	Schupp	Still	Talboy
Wallace	Walton Gray	Webb	Webber	Whitehead

PRESENT: 001

Calloway

ABSENT WITH LEAVE: 014

Corcoran	Flanigan	Guest	LeBlanc	McGhee
Meiners	Roorda	Salva	Schaaf	Schoemehl
Spreng	Vogt	Wright	Yaeger	

VACANCIES: 001

**HCS SS SCS SBs 586 & 617, with Part II, Part III & Part IV, pending, was laid over.**



## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HCS#2 HB 1543**, entitled:

An act to repeal sections 160.261, 160.775, 161.209, 161.650, 163.031, 163.036, 167.029, 167.117, 168.500, 168.515, 178.693, and 178.695, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 4 and Senate Amendment No. 5.

### *Senate Amendment No. 1*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 37, Section 167.117, Line 20 of said page, by inserting after all of said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present **at the hearing**, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. **During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher. The board shall render a decision on the charges upon the review of the hearing officer's recommendations and the record from the hearing.** The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least one semester prior to the

presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher to be informed of the nature of his inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 14, Section 161.209, Line 24, by inserting after all of said line the following:

**“161.371. 1. The office of administration shall issue regulations in accordance with chapter 536, requiring that, as a condition of bidding as a contractor or subcontracting from a bidding contractor for public works construction projects on public and charter elementary and secondary education construction projects, each said contractor or subcontractor shall establish and implement a random drug and alcohol testing program. Said drug and alcohol testing program shall be administered by a laboratory duly certified by the U.S. Department of Health and Human Services, or similar agency approved by the office of administration. Such program shall require notification to the employer and employee of the results of any positive drug and alcohol test and the school district shall be notified of the action taken to protect the safety of students as a result of such positive test.**

**2. The office of administration shall ensure that rules promulgated to implement the provisions of this section shall not be in violation of any applicable federal law or regulation. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

3. All costs for the program of screening and testing workers for alcohol and controlled substances, as well as all costs for administration of such drug and alcohol testing program shall be paid by the employer on the public works project. No costs under this section shall be paid by the state, any of its agencies, or any political subdivision thereof.

4. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule making authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Pages 45-48, Section 178.693, by striking all of said section from the bill; and

Further amend said bill, Page 48, Section 178.695, by striking all of said section from the bill and inserting in lieu thereof the following:

“178.697. 1. Funding for sections 178.691 to 178.699 shall be made available pursuant to section 163.031, RSMo, and shall be subject to appropriations made for this purpose.

2. Costs of contractual arrangements shall be the obligation of the school district of residence of each preschool child. Costs of contractual arrangements shall not exceed an amount equal to an amount reimbursable to the school districts under the provisions of sections 178.691 to 178.699. [No program shall be approved or contract entered into which requires any additional payment by participants or their parents or guardians.]

3. Payments for participants for programs outlined in section 178.693 shall be uniform for all districts or public agencies.

4. Families with children under the age of kindergarten entry shall be eligible to receive annual development screenings and parents shall be eligible to receive prenatal visits under sections 178.691 to 178.699. Priority for service delivery of approved parent education programs under section 178.691 to 178.699, which includes, but is not limited to, home visits, group meetings, screenings, and service referrals, shall be given to high needs families in accordance with criteria set forth by the department of elementary and secondary education. Local school districts may establish cost sharing strategies to supplement funding for such program services. The provisions of this subsection shall expire on December 31, 2015, unless reauthorized by an act of the general assembly.”; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SA1** to **HCS HB 2070** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS HB 2070, as amended**: Senators Schaefer, Lembke, Pearce, Bray and Shoemyer.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 791, as amended**: Senators Griesheimer, Lager, Dempsey, Bray and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 981, as amended**: Senators Callahan, Green, Griesheimer, Dempsey and Crowell.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**HCS HB 2070**: Representatives Kelly, Bruns, Hobbs, Wasson and Quinn

**HCS SB 791**: Representatives Emery, Pollock, Riddle, Walsh and Zimmerman

**HCS SB 981**: Representatives Sutherland, Hobbs, Nance, Kelly and Komo

### **COMMITTEE REPORTS**

**Committee on Insurance Policy**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 985**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on Emerging Issues in Animal Agriculture**, Chairman Wright reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Animal Agriculture, to which was referred **SB 824**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 884**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**COMMUNICATION**

May 12, 2010

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I have elected to form a Special Standing Committee on Redistricting and hereby appoint the following members to serve:

Representative John Diehl, Chairman  
Representative Stanley Cox, Vice Chair  
Representative Jason Smith  
Representative Casey Guernsey  
Representative Sally Faith  
Representative Tom Loehner

Representative Tom Flanigan  
Representative Tishaura Jones  
Representative Kiki Curls  
Representative Ron Casey  
Representative Linda Fischer  
Representative Joe Aull

This special standing committee shall have the authority and duties of a regular standing committee.

The House Special Standing Committee on Redistricting may consider and report on all bills referred to it relating to the redistricting, reapportionment.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NOS. 1408 & 1514**

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill Nos. 1408 & 1514, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill Nos. 1408 & 1514;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1408 & 1514;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill Nos. 1408 & 1514, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jason Smith  
/s/ Stan Cox  
/s/ Joe Smith  
/s/ Jason Holsman  
/s/ Jeanette Mott Oxford

FOR THE SENATE:

/s/ James W. Lembke  
/s/ Jane Cunningham  
/s/ Luann Ridgeway  
/s/ Victor Callahan  
/s/ Ryan McKenna

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1965**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1965;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Cole McNary  
/s/ Eric Burlison  
/s/ Tim Jones

FOR THE SENATE:

/s/ Jane Cunningham  
/s/ James W. Lembke  
/s/ Robert Mayer  
/s/ Victor Callahan  
/s/ Ryan McKenna

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2297**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2297;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, be Third Read and Finally Passed.

**FOR THE HOUSE:**

/s/ Anne Zerr  
/s/ Jerry Nolte  
/s/ Maynard Wallace  
/s/ Jacob Hummel  
/s/ Paul LeVota

**FOR THE SENATE:**

/s/ Yvonne S. Wilson  
/s/ Joseph P. Keaveny  
/s/ Charlie Shields  
/s/ David Pearce  
/s/ Carl Vogel

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, May 13, 2010.

## **COMMITTEE MEETINGS**

### **ADMINISTRATION AND ACCOUNTS**

Thursday, May 13, 2010, Hearing Room 6 upon morning recess.

Equipment purchase policy, sharing expense, accounts due, RFP printing update,  
E-Fax system, Freshman tour, budget update, print contract, vote on proposed policy changes.

### **FISCAL REVIEW**

Thursday, May 13, 2010, 8:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. CANCELLED

### **RULES - PURSUANT TO RULE 25(32)(f)**

Thursday, May 13, 2010, 8:00 a.m. Hearing Room 7.

Any bills referred to committee.

Possible Executive session.

## **HOUSE CALENDAR**

SEVENTIETH DAY, THURSDAY, MAY 13, 2010

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner



- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis
- 23 HB 2255 - Jones (89)

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

#### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

#### **HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 67, (4-29-10, Pages 1179-1182) - Sutherland
- 2 HCR 79, (4-27-10, Pages 1097-1098) - Webb

#### **SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617, Part II, Part III, Part IV, pending - Emery
- 2 HCS SB 686, E.C. - Sutherland
- 3 HCS SS SCS SB 920 - Stevenson
- 4 SCS SB 616 - Wasson
- 5 HCS SB 684 - Stevenson
- 6 SB 753 - Parkinson
- 7 SS SCS SB 793 - Pratt
- 8 HCS SCS SB 815 - Wallace
- 9 HCS SCS SB 829, E.C. - Lipke
- 10 SCS SB 834 - Diehl
- 11 HCS SB 894 - Wilson (130)
- 12 SB 900 - Wilson (130)
- 13 HCS SS SB 943, E.C. - Wallace
- 14 HCS SS SB 1007, E.C. - Cooper
- 15 SS SCS SB 884, E.C. - Diehl

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HB 1336, SA 1 - Brandom
- 2 SCS HB 1941, as amended - Parson
- 3 HB 1942, SA 1 - Parson
- 4 HB 1643, SA1, SA2 - Brown (50)
- 5 HCS HB 1977, SA1, SA2 - Wasson
- 6 SS SCS HB 2317, as amended, E.C. - Tracy

- 7 SCS HB 1392 - Kirkton
- 8 SCS HB 1892 - Nasheed
- 9 SS HCS HB 1848 - Holsman
- 10 SCS HCS HB 1903, E.C. - Icet
- 11 SS HB 1713, (Fiscal Review 5-5-10) - Sander
- 12 SCS HCS HB 1831 - Jones (117)
- 13 HCS#2 HB 1472, SA 1, E.C. - Franz
- 14 HCS HB 2262 & 2264, SA 1, E.C. - Day
- 15 SCS HCS HB 1516 - Smith (150)
- 16 SCS HCS HB 1858 - Zimmerman
- 17 HCR 38, SCA 1 - Icet
- 18 HB 1894, SA 1, SA 2 - Bringer
- 19 SS HCS HB 2357, as amended - Smith (150)
- 20 SCS HB 1444 - Jones (89)
- 21 SCS HCS HB 1375 - Cooper
- 22 SCS HCS HB 1316, as amended - Deeken
- 23 SS SCS HCS HB 1695, 1742 & 1674, as amended - Stevenson
- 24 SS#2 HCS HB 1893 - Kelly
- 25 HCR 46, SA 1 - Funderburk
- 26 SCS HB 2285, as amended, E.C. - Thomson
- 27 SS#2 SCS HCS#2 HB 1543, as amended, E.C. - Wallace

#### **BILLS CARRYING REQUEST MESSAGES**

- 1 HCS#2 SCS SB 778, (request House recede/grant conference/exceed differences) - McGhee
- 2 HCS SB 741, as amended (request House recede/grant conference) - Dugger

#### **BILLS IN CONFERENCE**

- 1 CCR SS SCS HB 1442, as amended, E.C. - Jones (89)
- 2 CCR SCS HCS HB 2297, as amended - Molendorp
- 3 HCS SCS SB 754, as amended - Wasson
- 4 HCS SS SCS SB 605, as amended, E.C. - Stevenson
- 5 HCS SB 795, as amended, E.C. - Loehner
- 6 SS#2 HB 1268, as amended, E.C. - Meiners
- 7 SCS HB 1677, E.C. - Hoskins (80)
- 8 CCR SCS HCS HB 1965, as amended - McNary
- 9 CCR SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended - Wasson
- 10 HB 1691, SA 1, SA 2 - Kraus
- 11 CCR SS HCS HB 1408 & 1514, E.C. - Smith (150)
- 12 HCS SCS SBs 842, 799 & 809, as amended, E.C. - Stream
- 13 HCS#2 SB 844 - Jones (89)
- 14 SCS HB 1868, as amended, E.C. - Scharnhorst
- 15 HCS SB 791, as amended - Emery
- 16 HCS SB 981, as amended - Sutherland
- 17 HCS HB 2070, SA1 - Kelly

**SENATE CONCURRENT RESOLUTIONS**

- 1 SCR 31, (2-24-10, Pages 384-385) - Hoskins (121)
- 2 HCS SCR 55, (5-4-10, Pages 1282-1283) - Dixon

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

SS#2 SCS SB 577 - Wilson (130)

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SEVENTIETH DAY, THURSDAY, MAY 13, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

"Dew and rain, bless the Lord;  
Praise and exalt him above all forever."  
*(Daniel 3:68)*

Lord God, we pray for those who are suffering from too much rain, from floodwaters and from tornados. And we pray for those working to stop the oil spill off the Gulf Coast; give them the strength and knowledge they need to get control of this disaster. War is a disaster, every war. Turn hearts that hate toward understanding. Guide leaders of nations to remove every injustice and evil that lead to war. Protect our armed forces and all whose lives are threatened by war and violence.

We thank You for the stability and peace in our lives. We pray for the grace to serve well the people of our State until the very end of this legislative Session.

We pray to You, Almighty God, living and reigning forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Danielle Cardwell, Madison Craighead, Kennan Huckleberry, Joseph Ferrell, McKenna Rackers, Kallie Schumann, Connor Ernst, Maddison Markland, Cole Hazelhorst, Jacob Eickhorst, Olivia Johanns, Rebecca Johanns, Damon Johanns, Benjamin Lee Van Amburg, Corey Boothby and Patty Goss.

The Journal of the sixty-ninth day was approved as printed.

## **SPECIAL RECOGNITION**

Msgr. Donald W. Lammers was presented a resolution by Representatives Deeken and Bruns and recognized for his years of service as Chaplain to the Missouri House of Representatives.

## **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 3354 through House Resolution No. 3370

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 2290**, entitled:

An act to repeal section 208.010, RSMo, and to enact in lieu thereof two new sections relating to public assistance benefits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 583, as amended**, and has taken up and passed **HCS SCS SB 583, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House that the Senate refuses to adopt the **CCR on HCS for SCS for SB 754, as amended**, and requests the House to grant further conference.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 808, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon and that the conferees be allowed to exceed the differences on **HA 4, as amended**.

### BILL CARRYING REQUEST MESSAGE

**HCS SB 741, as amended**, relating to elections, was taken up by Representative Dugger.

Representative Dugger moved that the House refuse to recede from its position on **HCS SB 741, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Pro Tem Pratt assumed the Chair.

### HOUSE BILL WITH SENATE AMENDMENTS

**SS#2 SCS HCS#2 HB 1543, as amended**, relating to elementary and secondary education, was taken up by Representative Wallace.

Representative Wallace moved that the House refuse to adopt **SS#2 SCS HCS#2 HB 1543, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### THIRD READING OF SENATE BILL

**HCS SS SB 1007**, relating to public assistance programs, was taken up by Representative Cooper.

Representative Sater offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 208.895, Pages 37-38, Lines 25-44, by deleting all of said lines and insert in lieu thereof the following:

**“2. The department of health and senior services may contract for initial home and community based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:**

**(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and**

**(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.**

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.

**3. The two nurse visits authorized by section 660.300.16, RSMo shall continue to be performed by home and community based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third party assessor. In the event of dispute over the level of care required, the third party assessor will conduct a face to face review with the client in question.**

**4. The provisions of this section shall expire three years after the effective date of this section.”; and**

Further amend said bill, Section 208.909, Page 40, Line 74, by inserting after all of said line the following:

**“6. In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the General Assembly and governor shall include a minority report which will detail those elements of substantial dissent from the main report.**

**7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.”; and**

Further amend said bill, Section 660.023, Pages 40-41, Lines 1 and 4, by deleting the year “**2012**” and insert in lieu thereof the year “**2015**”; and

Further amend said bill and section, Page 41, Line 29, by inserting after all of said line the following:

**“5. The department of health and senior services, in collaboration with other appropriate agencies, including in-home services providers, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.**

**6. In the event that a consensus between in-home service providers and representatives from the executive branch cannot be reached, the telephony report issued to the General Assembly and governor shall include a minority report which will detail those elements of substantial dissent from the main report.**

**7. No interested party, including in-home service providers, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.”; and**

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Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 003

Carter	Flanigan	Meadows
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VACANCIES: 001

On motion of Representative Sater, **House Amendment No. 1** was adopted.

Representative Silvey offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Page 660.300, Page 45, Line 117, by inserting after all of said section and line the following:

“660.425. 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services [under chapter 208, RSMo]. The tax is imposed upon payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo].

2. For purposes of sections 660.425 to 660.465, the following terms shall mean:

(1) "Engaging in the business of providing in-home services", all payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo];

(2) "In-home services", homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual's home and under a plan of care created by a physician, necessary to keep children out of hospitals. "In-home services" shall not include home health services as defined by federal and state law;

(3) "In-home services provider", any provider or vendor, as defined in section 208.900, RSMo, of compensated in-home services [under chapter 208, RSMo], and under a provider agreement or contracted with the department of social services or the department of health and senior services.

660.430. 1. Each in-home services provider in this state providing in-home services [under chapter 208, RSMo,] shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

2. Each in-home services provider's tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.

This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. The director of the department of social services or the director's designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465.

4. Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.

660.435. 1. For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

2. Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services [under chapter 208, RSMo,] by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider's tax due.

3. The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

4. Each in-home services provider shall report the total payments received for the provision of in-home services [under chapter 208, RSMo,] to the department of social services.

660.445. 1. The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically



significant change in the in-home services provided or in the payments received for such services provided [under chapter 208, RSMo]. The department of social services may define such adjustment criteria by rule.

660.455. 1. The in-home services tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the "In-home Services Gross Receipts Tax Fund" which is hereby created to provide payments for in-home services provided [under chapter 208, RSMo]. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.

3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.

660.460. 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.

2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the in-home services provider and compel the payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.

3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services [under chapter 208, RSMo,] or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.

660.465. 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:

(1) Ninety days after any one or more of the following conditions are met:

(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided [under chapter 208, RSMo,] is less than the fiscal year 2010 in-home services fees reimbursement amount; or

(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or

(2) September 1, [2011] **2012**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.

2. Sections 660.425 to 660.465 shall expire on September 1, [2011] **2012**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Silvey, **House Amendment No. 2** was adopted.

Representative Silvey offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 208.027, Page 20, Line 37, by inserting after all of said section and line the following:

**“208.046. 1. The children's division shall promulgate rules to become effective no later than July 1, 2011, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:**

**(1) Child care recipients eligible under this chapter and the criteria set forth in 13 CSR 35-32.010, may pay a fee based on adjusted gross income and family size unit based on a child care sliding fee scale established by the children's division, which shall be subject to appropriations. However, a person receiving state-funded child care assistance under this chapter and whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the children's division, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;**

**(2) The sliding scale fee may be waived for children with special needs as established by the division; and**

**(3) The maximum payment by the division shall be the applicable rate minus the applicable fee.**

**2. For purposes of this section, "annual appropriation level" shall mean the maximum income level to be eligible for a full child care benefit as determined through the annual appropriations process.**

**3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Silvey, **House Amendment No. 3** was adopted.

Representative Dougherty offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 148.380, Page 12, Line 45, by inserting after all of said line the following:

**“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.**

**2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:**

**(1) Insurance;**

**(2) The state Medicaid program;**

**(3) Complimentary; or**

**(4) Other form of payment.**

**3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free**

or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. [Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on June 30, 2020.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 4** was adopted.

Representative Burlison offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Page 13, Section 172.850, Line 7, by inserting after all of said line the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

**2. For purposes of this chapter, a written request may include an electronic communication, to the extent that the provider chooses to and is prepared to respond to an electronic communication requesting the patient's health history and treatment record. Any request or release of such records shall comply with applicable privacy and security provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its regulations and applicable state law and regulations.**

**3. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:**

- (1) Copying, in an amount not more than seventeen dollars and five cents plus forty cents per page for the cost of supplies and labor;
- (2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet web site by February first of each year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, **House Amendment No. 5** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parson
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Newman	Norr	Oxford

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Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Flanigan	Meadows	Parkinson	Pollock
Vogt				

VACANCIES: 001

On motion of Representative Cooper, **HCS SS SB 1007, as amended**, was adopted.

On motion of Representative Cooper, **HCS SS SB 1007, as amended**, was read the third time and passed by the following vote:

AYES: 124

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Colona	Conway
Cooper	Corcoran	Cox	Curls	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Yaeger	Zerr	Mr Speaker	

NOES: 027

Atkins	Burnett	Casey	Ervin	Flook
Frame	Harris	Hughes	Jones 63	Kander
LeVota	Low	McNeil	Morris	Newman

Norr	Oxford	Pace	Roorda	Schupp
Skaggs	Spreng	Walton Gray	Webb	Whitehead
Wright	Zimmerman			

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 010

Carter	Chappelle-Nadal	Cunningham	Dethrow	Flanigan
Kirkton	Meadows	Pollock	Pratt	Vogt

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 134

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Calloway	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Lochner	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Norr
Oxford	Parson	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Webber	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 017

Burnett	Casey	Ervin	Flook	Hughes
Jones 63	LeVota	Low	Morris	Newman
Pace	Roorda	Schad	Skaggs	Spreng
Walton Gray	Whitehead			

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 010

Brown 30	Brown 50	Carter	Flanigan	Meadows
Nasheed	Parkinson	Pollock	Vogt	Webb

VACANCIES: 001

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS#2 SCS HCS#2 HB 1543, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 741, as amended**: Senators Griesheimer, Dempsey, Pearce, Shoemyer and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 777, as amended**, and has taken up and passed **HCS SCS SB 777, as amended**.

### THIRD READING OF SENATE BILL

**HCS SS SCS SBs 586 & 617, with Part II, Part III and Part IV, pending**, relating to sexually oriented businesses, was taken up by Representative Emery.

Representative Dougherty offered **House Amendment No. 1 to Part II**.

Representative Stevenson raised a point of order that **House Amendment No. 1 to Part II** was not timely distributed.

The Chair ruled the point of order well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Emery
Faith	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs

Hoskins 121	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	Mr Speaker

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Denison	Dusenberg	Ervin	Flanigan	Jones 63
Meadows	Schaaf	Yaeger		

VACANCIES: 001

On motion of Representative Emery, **Part II of HCS SS SCS SBs 586 & 617** was adopted by the following vote:

AYES: 121

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cooper
Corcoran	Cox	Cunningham	Davis	Day
Deeken	Dethrow	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Ice	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	McClanahan	McGhee	McNary	McNeil



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Molendorp	Munzlinger	Nance	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Walsh	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Zerr	Zimmerman
Mr Speaker				

NOES: 030

Atkins	Burnett	Calloway	Carter	Chappelle-Nadal
Colona	Curls	Dieckhaus	Dougherty	Guest
Hoskins 80	Hughes	LeBlanc	Low	McDonald
Meiners	Morris	Nasheed	Newman	Oxford
Pace	Schupp	Spreng	Talboy	Vogt
Wallace	Walton Gray	Webb	Webber	Whitehead

PRESENT: 000

ABSENT WITH LEAVE: 011

Denison	Diehl	Flanigan	Jones 63	Loehner
Meadows	Salva	Schaaf	Skaggs	Wright
Yaeger				

VACANCIES: 001

Speaker Richard resumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson

Tilley	Tracy	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 060

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meiners	Morris
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Schoemehl	Shively
Still	Storch	Talboy	Todd	Vogt
Walton Gray	Webb	Webber	Whitehead	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 015

Curls	Diehl	Flanigan	Jones 63	Kander
Meadows	Nasheed	Newman	Salva	Schupp
Skaggs	Spreng	Viebrock	Walsh	Yaeger

VACANCIES: 001

**On motion of Representative Emery, Part III of HCS SS SCS SBs 586 & 617 was adopted by the following vote:**

AYES: 119

Allen	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Diehl	Dixon	Dugger	Dusenberger
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Harris	Hobbs	Hodges	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	McNeil	Molendorp	Munzlinger
Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley

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Todd	Tracy	Viebrock	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Zimmerman	Mr Speaker	

NOES: 032

Atkins	Burnett	Calloway	Carter	Chappelle-Nadal
Colona	Conway	Corcoran	Dieckhaus	Dougherty
Guest	Holsman	Hoskins 80	Hughes	Jones 63
LeBlanc	LeVota	Low	McDonald	McNary
Meiners	Morris	Oxford	Pace	Scharnhorst
Talboy	Vogt	Wallace	Walton Gray	Webb
Webber	Whitehead			

PRESENT: 000

ABSENT WITH LEAVE: 011

Curls	Flanigan	Meadows	Nasheed	Newman
Roorda	Salva	Schupp	Skaggs	Spreng
Yaeger				

VACANCIES: 001

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Tracy	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Mr Speaker			

NOES: 057

Atkins	Aull	Biermann	Bringer	Brown 50
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc

LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meiners	Morris	Norr	Oxford
Quinn	Rucker	Scavuzzo	Schieffer	Schoemehl
Shively	Still	Storch	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 018

Burnett	Curls	Flanigan	Jones 63	Kander
Kelly	Meadows	Nasheed	Newman	Pace
Pratt	Roorda	Salva	Schupp	Skaggs
Spreng	Viebrock	Yaeger		

VACANCIES: 001

On motion of Representative Emery, **Part IV of HCS SS SCS SBs 586 & 617** was adopted by the following vote:

AYES: 128

Allen	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Hummel	Ice	Jones 89
Jones 117	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 025

Atkins	Burnett	Calloway	Carter	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty

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Hoskins 80	Hughes	Jones 63	LeBlanc	LeVota
Low	McDonald	Schupp	Talboy	Vogt
Wallace	Walton Gray	Webb	Webber	Whitehead

PRESENT: 000

ABSENT WITH LEAVE: 009

Flanigan	Kander	Meadows	Nasheed	Newman
Roorda	Salva	Spreng	Yaeger	

VACANCIES: 001

On motion of Representative Emery, **HCS SS SCS SBs 586 & 617** was read the third time and passed by the following vote:

AYES: 118

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Cooper	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Franz	Gatschenberger	Grisamore
Guernsey	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McGhee	McNary
McNeil	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 028

Atkins	Burnett	Colona	Conway	Corcoran
Curls	Dieckhaus	Dougherty	Guest	Hoskins 80
Jones 63	LeBlanc	LeVota	Low	McDonald
Morris	Nasheed	Newman	Oxford	Pace
Schupp	Talboy	Vogt	Wallace	Walton Gray
Webb	Webber	Whitehead		

PRESENT: 000

ABSENT WITH LEAVE: 016

Calloway	Carter	Chappelle-Nadal	Cox	Flanigan
Frame	Funderburk	Grill	Hughes	Meadows
Roorda	Rucker	Salva	Schaaf	Spreng
Yaeger				

VACANCIES: 001

Speaker Richard declared the bill passed.

### APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**SS#2 SCS HCS#2 HB 1543:** Representatives Wallace, Schad, Stream, Lampe and Bringer  
**HCS SB 741:** Representatives Dugger, Smith (150), Deeken, Conway and Frame

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS#2 SCS HCS#2 HB 1543, as amended:** Senators Pearce, Shields, Rupp, Days and Wilson.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 1007, as amended,** and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

### THIRD READING OF SENATE BILLS

**SB 753,** relating to investment of cemetery funds, was taken up by Representative Parkinson.

On motion of Representative Parkinson, **SB 753** was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Colona	Conway	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly

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Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Carter	Chappelle-Nadal	Cooper	Corcoran	Cox
Emery	Flanigan	Hughes	Meadows	Roorda
Spreng	Vogt	Webb	Yaeger	

VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

**HCS SCS SB 829**, relating to the justice system, was taken up by Representative Lipke.

Representative Lipke offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

**“50.567. In every county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants the chief governing body of such county shall establish a "Jury Service Expense Fund" for the purpose of aiding with payment of expenses related to compensation of jurors for jury service under the provisions of subsection 4 of section 494.455. The fund shall consist of moneys collected in the basic funding for jury service calculated at the rate of six dollars per day. The fund shall be administered by the court en banc of the judicial circuit and may be audited as are all other county funds.”; and**

Further amend said bill, Pages 7-8, Section 209.200, by removing all of said section from the bill; and

Further amend said bill, Page 16, Section 491.170, Line 5, by inserting after all of said section and line the following:

“494.455. 1. Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in [subsection] **subsections 3 and 4** of this section.

2. Each grand and petit juror shall receive six dollars per day, for every day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by this subsection, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county.

**4. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants no grand or petit juror shall receive compensation for the first day of service. For the second day of service each grand and petit juror shall receive six dollars per day. For the third and each subsequent day he or she may actually serve as such each grand and petit juror shall receive forty dollars per day. No petit or grand juror shall receive pay for mileage for any day of service.**

5. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.”; and

Further amend said bill, Page 26, Section 568.040, Line 2, by enclosing in brackets “[ ]” the phrase “, without good cause,”; and

Further amend said bill, Page 27, Section 568.040, Line 61, by inserting after all of said section and line the following:

“569.090. 1. A person commits the crime of tampering in the second degree if he or she:

(1) Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

(2) Unlawfully **enters or** rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

(3) Tampers or makes connection with property of a utility; or

(4) Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

(a) To prevent the proper measuring of electric, gas, steam or water service; or

(b) To permit the diversion of any electric, gas, steam or water service.

2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam



or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

3. Tampering in the second degree is a class A misdemeanor unless:

(1) Committed as a second or subsequent violation of subdivision (2) or (4) of subsection 1, in which case it is a class D felony;

(2) The defendant has a prior conviction or has had a prior finding of guilt pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, section 570.080, RSMo, or subdivision (2) of subsection 1 of this section, in which case it is a class C felony.”; and

Further amend said bill, Page 38, Section 650.470, Line 50, by inserting after all of said section and line the following:

**“Section 1. There is hereby created the “Criminal Justice Review Commission” whose purpose is to study the number of nonviolent offenders who are incarcerated in the department of corrections and the cost and effectiveness of their incarceration and to make recommendations regarding nonviolent offender incarceration, sentencing, and diversion programs. The commission shall make annual reports to the governor, the speaker of the house, and the president pro tem of the senate no later than November 1 of each year. Members of the commission shall include a senator appointed by the president pro tem of the senate, a representative appointed by the speaker of the house, a judge appointed by the chief justice of the supreme court, the executive director of the office of prosecution services, the executive director of the association of counties, an individual appointed by the public defender commission, an individual appointed by the sentencing advisory commission, an individual appointed by the drug courts coordinating commission, the director of the department of corrections, the state budget director, and three individuals appointed by the governor including a county sheriff and a representative of a crime victims rights organization.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lipke, **House Amendment No. 1** was adopted.

Representative Parson offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 10, Section 217.045, Line 10, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable

and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

**4. Notwithstanding any provision of section 301.020, this section, or any other provision of law to the contrary, the director of revenue may provide owners of motor vehicles with a gross weight exceeding twenty thousand pounds, other than commercial vehicles, the option of triennially registering motor vehicles.**

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such certificate may be granted within thirty days of the submission of a request.

3. Upon receipt of a properly completed application for a junking certificate, the director of revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title shall not again be issued for such vehicle; except that, the initial purchaser shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of title or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to subdivision (51) of section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage

designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

**9. Notwithstanding any provision of law to the contrary, the owner of a vehicle for which a junking certificate has been issued may petition the circuit court in the county in which the vehicle is registered to void the junking certificate and issue a salvage title for the vehicle.”; and**

Further amend said bill, Page 13, Section 303.025, Line 40, by inserting after all of said section and line the following:

“306.127. 1. [Beginning January 1, 2005,] Every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent, **or a Missouri driver's license or nondriver's license with an endorsement**, which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;

(3) [Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

(4)] Is participating in an event or regatta approved by the water patrol;

[(5)] (4) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

[(6)] (5) Is exempted by rule of the water patrol;

[(7)] (6) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or

[(8)] (7) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. [The Missouri state water patrol shall inform other states of the requirements of this section.

6.] No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit.

[7. Beginning January 1, 2006,] 6. Any nonresident born after January 1, 1984, desiring to operate a rental vessel on the lakes of this state[,], may obtain a temporary boater education permit by completing and passing a written examination developed by the Missouri state water patrol, provided the person meets the minimum age requirements for operating a vessel in this state. The Missouri state water patrol is authorized to promulgate rules for developing the examination and any requirements necessary for issuance of the temporary boater education permit. The temporary boater education permit shall expire when the nonresident obtains a permanent identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such temporary permit. Upon successful completion of an examination and prior to renting a vessel, the business entity responsible for giving the examination shall collect such fee and forward all collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general revenue fund. Such business entity shall incur no additional liability in accepting the responsibility for administering the examination. [This subsection shall terminate on December 31, 2010.]

**306.532. Beginning January 1, 2011, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW".; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Parson, **House Amendment No. 2** was adopted.

Representative Riddle offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person, **and the immediate family members of any such person**, who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section [590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary**, based on a specific request for such information from any person. Any person [who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status covered by this section** may notify the department of such status and the department shall protect the confidentiality of the records on such a person and his or her immediate family as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and

Further amend said bill, Page 11, Section 302.020, Line 33, by inserting after all of said section and line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation [of subsection 4] of section [304.016, RSMo]**304.012, RSMo** 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

(14) Endangerment of a highway worker in violation of section 304.585, RSMo 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585, RSMo 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385, RSMo, may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 3** was adopted.

Representative Kelly offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Section 67.402, Page 4, Line 71, by inserting after all of said section the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;
- (15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- (16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- (17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;
- (18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly, **House Amendment No. 4** was adopted.

Representative Zimmerman offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 8, Section 195.505, Line 20, by inserting after said line the following:

“196.165. [Any hotel, inn, delicatessen, grocery or butcher shop, or restaurant keeper, or any individual, firm or corporation, carrying on and conducting a boardinghouse, eating house, lunchroom business, or engaged in the catering business (all hereinafter referred to as "person"), who shall with intent to defraud, sell, prepare or expose for sale, any meat or meat preparation, articles of food or food products, either raw or prepared for human consumption, whether the same is to be consumed on the premises where prepared and sold, or whether same is taken or carried elsewhere for consumption, falsely represents such food or food preparation to be kosher, that is, that same is prepared under and of products sanctioned by the orthodox Hebrew religious rules and requirements; or who shall falsely represent that such meat or meat preparation, food or food product is, or will be prepared and served in accordance with such orthodox Hebrew religious rules and requirements, by displaying a sign or signs, in, on, or about said person's place of business or establishment, or by advertisement in any newspaper, magazine, or periodical, or by publication in any other manner whatsoever, the intent and purpose whereof shall be to represent to the public by such advertisement, or any other manner whatsoever, that kosher meat or meat preparations, or food or food products are prepared and sold in such place of business or establishment, or served therein, or prepared or sold to be taken for consumption elsewhere than on said premises; or who prepares, sells, serves, or prepares for sale, either to be consumed on the premises, or elsewhere, both kosher and nonkosher meat or meat preparations, or food or food products in the same place of business, who fails to keep separate kitchens and dining rooms, wherein meat or meat preparations, or food or food products are prepared and served; or who fails to keep and use separate and distinctly labeled or marked dishes and utensils wherein such meat or meat preparation of food or food product is prepared and served; or who shall fail to indicate on all signs and display advertising, in, on, or about said person's premises, in block letters, at least four inches in height, "kosher and nonkosher food prepared and sold here", as the case may be, or persons dealing in kosher meat or meat preparations, kosher food or food products only and persons dealing in both kosher and nonkosher meat or meat preparations, kosher and nonkosher food or food products who fail to adhere to and abide by orthodox Hebrew religious rules and requirements, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment of not less than thirty days nor more than one year, or both. Possession of nonkosher meat or meat preparation, or food or food product in any place of business advertising the sale of kosher meat and food only, is prima facie evidence that the person in possession exposes the same for sale with intent to defraud in violation of the provisions of this section.] **1. Except as provided in subsections 2 and 3 of this section, all food and food products which are sold or offered for sale as "kosher" or "kosher for Passover" and which are packaged in a sealed container shall have a label or symbol affixed thereto by the manufacturer, packer, or certifier of such food or food products representing the person, agency, or entity that certified such product as kosher or kosher for Passover. No person or entity other than such manufacturer, packer, or certifier shall affix such labels or symbols.**

**2. All food or food products which are sold or offered for sale as kosher or kosher for Passover and which are not packaged in a sealed container, or are packaged in a sealed container and do not meet the requirements of subsection 1 of this section shall not be sold or offered for sale unless the seller displays a sign which is clearly readable from where the kosher product is being offered for sale and which includes all of the following:**

- (1) A description of each food item which is kosher or kosher for Passover;**
- (2) The identity of the person, agency, or entity that has certified each food item as kosher or kosher for Passover;**
- (3) Certification that all equipment used in the preparation, storing, and serving of each food or food product is kosher or kosher for Passover;**
- (4) The time period during which the kosher certification is in effect, which shall not exceed twelve months; and**



(5) The designation of "dairy" or "D" for any product containing dairy ingredients.

3. Any person who sells or offers for sale in the same place of business both kosher certified and nonkosher certified poultry, meat, or meat preparations, either raw or prepared for human consumption, shall display signage clearly readable from where such products are being sold or offered for sale disclosing that both kosher and nonkosher meat or poultry are being sold, and clearly identifying which products are certified as kosher. This subsection shall not apply to the sale of poultry, poultry products, meats, or meat products sold solely in separate consumer packages which have been prepackaged and have a kosher certification label or symbol affixed as provided in subsection 1 of this section.

4. Any person who violates subsection 1, 2, or 3 of this section is guilty of a class B misdemeanor.

5. The presence of any poultry, poultry products, meats, meat products, or any prepared food that is not certified as kosher under subsection 1 or 2 of this section at an establishment which represents that it sells only food that is kosher is prima facie evidence that the person or establishment in possession of such food has offered such food for sale with intent to defraud in violation of this section.

6. Any person subject to the requirements of subsections 2 and 3 of this section shall not be deemed to have committed an unlawful practice if it can be shown by a preponderance of the evidence that the person justifiably relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be kosher or kosher for Passover. Nothing in this subsection shall be construed as altering any person's recourses for unlawful conduct under Missouri law, nor shall any portion of this section be construed as limiting the legal rights of any person injured by the conduct of any slaughterhouse, manufacturer, processor, packer, or distributor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zimmerman, **House Amendment No. 5** was adopted.

Representative Faith offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 13, Section 303.025, Line 40, by inserting after all of said line the following:

“304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

(1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or

(2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, "truck" means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B misdemeanor**, or unless an accident results from such violation, in which case such violation is a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Still offered **House Amendment No. 1 to House Amendment No. 6**.

Representative Lipke raised a point of order that **House Amendment No. 1 to House Amendment No. 6** goes beyond the scope of the underlying amendment.

The Chair ruled the point of order well taken.

On motion of Representative Faith, **House Amendment No. 6** was adopted.

Representative Storch offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Section 209.200, Page 8, Line 20, by inserting after all of said section and line the following:

“210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

- (1) "Hospital", as defined in section 197.020, RSMo;
- (2) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;
- (3) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child up to [five] **thirty** days old pursuant to this section [and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050, RSMo, that a parent who is a defendant voluntarily relinquished a child no more than one year old pursuant to this section] if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position;

or

(c) A law enforcement officer;

(2) The child was no more than [one year] **thirty days** old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. **A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:**

- (1) **A birth parent who has waived anonymity or the child's adoptive parent;**
- (2) **The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;**
- (3) **Persons performing juvenile court intake or dispositional services;**
- (4) **The attending physician;**
- (5) **The child's foster parent or any other person who has physical custody of the child;**
- (6) **A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;**
- (7) **The attorney representing the interests of the public in proceedings relating to the child; and**
- (8) **The attorney representing the interests of the child.**

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than [one year] **thirty days** old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made pursuant

to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

[5.] 6. The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the division of family services and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the **children's** division [of family services] shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

[6.] 7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016, RSMo, to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

[7.] 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection [6] 7 of this section.

(2) If [a nonrelinquishing] **either** parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, [the nonrelinquishing] **either** parent may have all of his or her rights terminated with respect to the child.

(3) When [a nonrelinquishing] **either** parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer [the nonrelinquishing] **either** parent to the **children's** division [of family services] and the juvenile court exercising jurisdiction over the child.

[8.] 9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

[9.] 10. The **children's** division [of family services] shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

[10.] 11. Nothing in this section shall be construed as conflicting with section 210.125.”; and

Further amend said bill, Section 211.031, Page 10, Line 90, by inserting after all of said section and line the following:

“211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

**(c) The parent has voluntarily relinquished a child under section 210.950; or**

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter;

or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, RSMo, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**On motion of Representative Storch, House Amendment No. 7 was adopted.**

Representative Cunningham offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 15, Section 479.260, Line 55, by inserting after all of said section and line the following:

“488.2205. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, [2010] **2020.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cunningham, **House Amendment No. 8** was adopted.

Representative Hobbs offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 13, Section 303.025, Line 40, by inserting after all of said line the following:

**“339.1100. Sections 339.1100 to 339.1240 shall be known and may be cited as the "Missouri Appraisal Management Company Registration and Regulation Act".**

**339.1105. As used in sections 339.1100 to 339.1240, unless the context otherwise requires, the following terms shall mean:**

(1) **"Appraisal" or "real estate appraisal", an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;**

(2) **"Appraisal management company", an individual or business entity that utilizes an appraisal panel and performs, directly or indirectly, appraisal management services;**

(3) **"Appraisal management services", to directly or indirectly perform any of the following functions on behalf of a lender, financial institution, client, or any other person:**

(a) **Administer an appraiser panel;**

(b) **Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;**

(c) **Receive an order for an appraisal from one person and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;**

(d) **Track and determine the status of orders for appraisals;**

(e) Conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; and

(f) Provide a completed appraisal performed by an appraiser to one or more persons who have ordered an appraisal;

(4) "Appraisal review", the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment, except that an examination of an appraisal for grammatical, typographical, or other similar errors shall not be an appraisal review;

(5) "Appraiser", an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter;

(6) "Appraiser panel", a network of licensed or certified appraisers that have:

(a) Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons that have ordered appraisals through the appraisal management company or to perform appraisals for the appraisal management company directly; and

(b) Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company that has ordered an appraisal through the appraisal management company or to perform appraisals for the appraisal management company directly;

(7) "Commission", the Missouri real estate appraisers commission created in section 339.507;

(8) "Controlling person":

(a) An owner, officer or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;

(9) "State certified real estate appraiser", a person who develops and communicates real estate appraisals and who holds a current valid certificate issued to the person for either general or residential real estate under this chapter;

(10) "State licensed real estate appraiser", a person who holds a current valid real estate appraiser license issued under this chapter.

339.1110. 1. No person shall directly or indirectly engage or attempt to engage in business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the commission under sections 339.1100 to 339.1240.

2. The registration required by subsection 1 of this section shall, at a minimum, include the following:

(1) Name of the entity seeking registration;

(2) Business address of the entity seeking registration which shall be located and maintained within this state;

(3) Phone contact information of the entity seeking registration;

(4) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;

(5) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent or more of the appraisal management company;

(6) The name, address, and contact information for a designated controlling person to be the primary communication source for the commission;

(7) A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company for appraisal services to be performed in Missouri holds a license in good standing in Missouri, if a license or certification is required to perform appraisals under section 339.1180;

(8) A certification that the entity has a system in place to review the work of all appraisers who are performing real estate appraisal services for the appraisal management company on a periodic basis to validate that the real estate appraisal services are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) under section 339.1185;

(9) A certification that the entity maintains a detailed record of each service request that it receives for appraisal services within the state of Missouri and the appraiser who performs the real estate appraisal services for the appraisal management company under section 339.1190;

(10) An irrevocable Uniform Consent to Service of Process under section 339.1130; and

(11) Any other reasonable information required by the commission to complete the registration process.

339.1115. Sections 339.1100 to 339.1240 shall not apply to:

(1) A person who exclusively employs appraisers on an employer and employee basis for the performance of appraisals;

(2) A national or state bank, federal or state savings institution, or credit union that is subject to direct regulation or supervision by an agency of the United States government, or by the department of insurance, financial institutions or professional registration, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser who is an independent contractor to the institution. An entity exempt as provided in this subdivision shall file a notice with the commission the information required in section 339.1110;

(3) An appraiser that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal;

(4) A state agency or local municipality that orders appraisals for ad valorem tax purposes or any other business on behalf of the state of Missouri;

(5) Any person licensed to practice law in this state, a court-appointed personal representative, or a trustee who orders an appraisal in connection with a bona fide client relationship when such person directly contracts with an independent appraiser.

339.1120. An applicant for a registration as an appraisal management company shall submit to the commission an application containing the information required in subsection 2 of section 339.1110 on a form prescribed by the commission.

339.1125. Registration shall be valid for two years from its issuance.

339.1130. Each entity applying for a registration as an appraisal management company in Missouri shall complete an irrevocable Uniform Consent to Service of Process, as prescribed by the commission.

339.1135. 1. The commission shall establish by rule the fee to be paid by each appraisal management company seeking registration under sections 339.1100 to 339.1240, such that the sum of the fees paid by all appraisal management companies seeking registration under this section shall be sufficient for the administration of sections 339.1100 to 339.1240. The commission shall charge and collect fees to be utilized to fund activities that may be necessary to carry out the provisions of this chapter.

2. Each applicant for registration shall post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars. The details of the bond shall be prescribed by rule of the commission, however, the bond shall not be used to assist appraisers in collection efforts of credit extended by the appraiser.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 339.1100 to 339.1240 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 339.1100 to 339.1240 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

339.1140. 1. An appraisal management company applying for a registration in Missouri shall not be more than ten percent owned by:

(1) A person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;



(2) An entity that is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state.

2. Each person who owns more than ten percent of an appraisal management company in this state shall:

(1) Be of good moral character, as determined by the commission; and

(2) Submit to a background investigation, as determined by the commission.

3. Each appraisal management company applying for registration shall certify to the commission that it has reviewed each entity that owns more than ten percent of the appraisal management company and that no entity that owns more than ten percent of the appraisal management company is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.

4. Each appraisal management company shall notify the commission within thirty days of a change in its controlling principal, agent of record, or ownership composition.

339.1145. 1. Each appraisal management company applying to the commission for a registration in this state shall designate one compliance manager who will be the main contact for all communication between the commission and the appraisal management company.

2. The designated controlling person under subsection 1 of this section shall:

(1) Have never had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;

(2) Be of good moral character, as determined by the commission; and

(3) Submit to a background investigation, as determined by the commission.

339.1150. 1. An appraisal management company that applies to the commission for registration to do business in this state as an appraisal management company under subdivision (1) of section 339.1115 shall not:

(1) Employ any person directly involved in appraisal management services who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

(2) Knowingly enter into any independent contractor arrangement, whether in verbal, written, or other form, with any person who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

(3) Knowingly enter into any contract, agreement, or other business relationship directly involved with the performance of real estate appraisal or appraisal management services, whether in verbal, written, or any other form, with any entity that employs, has entered into an independent contract arrangement, or has entered into any contract, agreement, or other business relationship, whether in verbal, written, or any other form, with any person who has ever had a license or certificate to act as an appraiser in Missouri or in any other state, refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.

339.1155. Prior to placing an assignment for real estate appraisal services within the state of Missouri with an appraiser on the appraiser panel of an appraisal management company, the appraisal management company shall have a system in place to verify that the appraiser receiving the assignment holds a credential in good standing in the state of Missouri. Letters of engagement shall include instructions to the appraiser to decline the assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.

339.1160. Any employee or independent contractor of the appraisal management company who performs an appraisal review shall be an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter. Letters of engagement shall include instructions to the appraiser to decline the appraisal review assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.

339.1170. Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under this chapter.

**339.1175.** Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system in place to verify that an individual to whom the appraisal management company is making an assignment for the completion of an appraisal has not had a license or certification as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation on a regular basis.

**339.1180.** Each registered appraisal management company shall certify to the commission on a biannual basis that it has a system in place to perform an appraisal review on a periodic basis of the work of all appraisers who are performing appraisals for the appraisal management company to validate that the appraisals are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP). An appraisal management company shall report to the commission the results of any appraisal reviews in which an appraisal is found to be substantially noncompliant with USPAP or state or federal laws pertaining to appraisals.

**339.1185. 1.** Each appraisal management company seeking to be registered shall certify to the commission biannually that it maintains a detailed record of each service request for appraisal services within the state of Missouri and that it receives of each appraiser who performs an appraisal for the appraisal management company in the state of Missouri.

**2.** All appraisal management company records shall be retained for five years.

**339.1190. 1.** An appraisal management company shall not prohibit its appraiser who is part of an appraiser panel from recording the fee that the appraiser was paid by the appraisal management company for the performance of the appraisal within the appraisal report that is submitted by the appraiser to the appraisal management company.

**2.** An appraisal management company shall separately state to the client the fees paid to an appraiser for appraisal services and the fees charged by the appraisal management company for services associated with the management of the appraisal process, including procurement of the appraiser's services.

**339.1200. 1.** No employee, director, officer, or agent of an appraisal management company shall influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery or in any other manner, including but not limited to:

**(1)** Withholding or threatening to withhold timely payment for an appraisal, except in cases of substandard performance or noncompliance with conditions of engagement;

**(2)** Withholding or threatening to withhold future business, or demoting, terminating, or threatening to demote or terminate an appraiser;

**(3)** Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;

**(4)** Conditioning the request for an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

**(5)** Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

**(6)** Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;

**(7)** Providing to an appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits;

**(8)** Allowing the removal of an appraiser from an appraiser panel without prior written notice to such appraiser;

**(9)** Any other act or practice that knowingly impairs or attempts to impair an appraiser's independence, objectivity, or impartiality;

**(10)** Requiring an appraiser to collect an appraisal fee on behalf of the appraisal management company from the borrower, homeowner, or other third party; or

(11) Requiring an appraiser to indemnify an appraisal management company or hold an appraisal management company harmless for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company, and not the services performed by the appraiser.

2. Nothing in subsection 1 of this section shall prohibit the appraisal management company from requesting that an appraiser:

- (1) Provide additional information about the basis for a valuation; or
- (2) Correct objective factual errors in an appraisal report; or
- (3) Provide additional information with the appraisal regarding additional sales provided through an established dispute process.

**339.1205.** An appraisal management company shall not:

(1) Require an appraiser to modify any aspect of an appraisal report unless the modification complies with section 339.1200;

(2) Require an appraiser to prepare an appraisal report if the appraiser, in the appraiser's own professional judgment, believes the appraiser does not have the necessary expertise for the assignment or for the specific geographic area, and has notified the appraisal management company and declined the assignment;

(3) Require an appraiser to prepare an appraisal under a time frame that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations, and has notified the appraisal management company and declined the assignment;

(4) Prohibit or inhibit legal or other allowable communication between the appraiser and:

- (a) The lender;
- (b) A real estate licensee; or
- (c) Any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(5) Knowingly require the appraiser to do anything that does not comply with:

- (a) Uniformed Standards of Professional Appraisal Practice (USPAP);
  - (b) The Missouri certified and licensed real estate appraisers act established under this chapter; or
  - (c) Any assignment conditions and certifications required by the client;
- (6) Make any portion of the appraiser's fee or the appraisal management company's fee contingent on a predetermined or favorable outcome, including but not limited to:

- (a) A loan closing; or
- (b) Specific dollar amount being achieved by the appraiser in the appraisal report.

**339.1210.** Each appraisal management company shall, except in cases of breach of contract or substandard performance of services, make payment to an appraiser for the completion of an appraisal or valuation assignment within thirty days, unless a mutually agreed upon alternate payment schedule exists, from when the appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.

**339.1215.** 1. An appraisal management company shall not alter, modify, or otherwise change a completed appraisal report submitted by an appraiser by:

- (1) Permanently removing the appraiser's signature or seal; or
- (2) Adding information to, or removing information from, the appraisal report with an intent to change the valuation conclusion.

2. No registered appraisal management company shall require an appraiser to provide the appraisal management company with the appraiser's digital signature or seal.

**339.1220.** 1. The commission shall issue a unique registration number to each appraisal management company.

2. The commission shall publish a list of the appraisal management companies that have registered under sections 339.1100 to 339.1240 and have been issued a registration number.

3. An appraisal management company shall be required to disclose the registration number on each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments within the state of Missouri.

**339.1230. 1. Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:**

**(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company;**

**(2) If the appraiser is being removed from the panel for illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, describing the nature of the alleged conduct or violation; and**

**(3) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.**

**2. An appraiser who is removed from the appraiser panel of an appraisal management company for alleged illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or violation of state licensing standards may file a complaint with the commission for a review of the decision of the appraisal management company; except that, in no case shall the commission make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in subsection 1 of this section.**

**3. If after notice and an opportunity for hearing and review, the commission determines that an appraiser did not commit a violation of law, a violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, the commission shall order that such appraiser be added to the appraiser panel of the appraisal management company.**

**4. If the commission has found that the appraisal management company acted improperly in removing the appraiser from the appraiser panel, an appraisal management company shall not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser.**

**339.1235. 1. The commission may censure an appraisal management company, conditionally or unconditionally suspend or revoke any registration issued under sections 339.1100 to 339.1240, or impose civil penalties not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of twenty-five thousand dollars. In determining the amount of penalty to be imposed, the commission may consider if an appraisal management company is:**

**(1) Knowingly committing any act in violation of sections 339.1100 to 339.1240;**

**(2) Violating any rule adopted by the commission; or**

**(3) Procuring a license by fraud, misrepresentation, or deceit.**

**339.1240. The conduct of adjudicatory proceedings for violations of this section is vested in the commission, provided:**

**(1) Before censuring any registrant, or suspending or revoking any registration, the commission shall notify the registrant in writing of any charges made at least twenty days before the hearing and shall afford the registrant an opportunity to be heard in person or by counsel; and**

**(2) Written notice shall be satisfied by personal service on the controlling person of the registrant, or the registrant's agent for service of process in this state, or by sending the notice by certified mail, return receipt requested to the controlling person of the registrant to the registrant's address on file with the commission.”; and**

Further amend said bill, Page 39, Section B, Line 10, by inserting after all of said line the following:

“Section C. Sections 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, and 339.1240 of section A of this act shall become effective on January 1, 2011.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hobbs, **House Amendment No. 9** was adopted.

Representative Roorda offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 1, Section A, Line 8, by inserting after all of said line the following:

“66.010. 1. Any county framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

3. The number of divisions of such county municipal court and its term shall be established by ordinance of the county.

4. Except in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county may provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat.

5. Judges of the county municipal court shall be licensed to practice law in this state and shall be residents of the county in which they serve. Municipal court judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a municipal court judge and **full-time municipal judges** shall not be a judge or prosecutor for any other court.

6. **Whenever any judge of the county municipal court shall become temporarily ill or otherwise unavailable, any county municipal court judge may appoint an acting county municipal court judge to take his or her place on a temporary basis. The acting county municipal court judge appointed shall be a person who already serves as a municipal court judge within the same judicial circuit. The provisions of subsection 5 of this section shall not apply to acting county municipal court judges.**

7. In establishing the county municipal court, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

[7.] 8. In a county municipal court established pursuant to this section, the county may provide by ordinance for court costs not to exceed the sum which may be provided by municipalities for municipal violations before municipal courts. The county municipal judge may assess costs against a defendant who pleads guilty or is found guilty except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such costs shall be collected by the authorized clerk and deposited into the county treasury.

[8.] 9. Provisions shall be made for recording of proceedings, except that if such proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases. In the event that such proceedings are recorded, all final decisions of the county municipal court shall be appealable on such record to the appellate court with appropriate jurisdiction.

[9.] 10. Any person charged with the violation of a county ordinance in a county which has established a county municipal court under the provisions of this section shall, upon request, be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard with a record being made.

[10.] **11.** In the event that a court is established pursuant to this section, the circuit judges of the judicial circuit with jurisdiction within that county may authorize the judges of the county municipal court to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles as provided by local rule.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roorda, **House Amendment No. 10** was adopted.

Representative Grisamore offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 37, Section 621.275, Line 21, by inserting after all of said line the following:

**"650.130. 1. This section shall be known and may be cited as "The Kelsey Smith Act".**

**2. Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.**

**3. Notwithstanding any other provision of law, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.**

**4. No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.**

**5. All wireless telecommunications carriers registered to do business in the state of Missouri or submitting to the jurisdiction thereof and all resellers of wireless telecommunications services shall submit their emergency contact information to the department of public safety in order to facilitate requests from a law enforcement agency for call location information in accordance with this section. This contact information shall be submitted annually by June fifteenth or immediately upon any change in contact information.**

**6. The department of public safety shall maintain a database containing emergency contact information for all wireless telecommunications carriers registered to do business in the state of Missouri and shall make the information immediately available upon request to all public safety answer points in the state.**

**7. The director of the department of public safety shall promulgate any rules and regulations necessary to fulfill the requirements of this section no later than July 1, 2011.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Grisamore, **House Amendment No. 11** was adopted.

Representative Day offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 6, Section 71.285, Line 80, by inserting after all of said line the following:

**“195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.**

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if the prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.”; and

Further amend said bill, Page 13, Section 303.025, Line 40, by inserting after all of said line the following:

“338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic record keeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescriber, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **in whatever format kept in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic record keeping system shall contain all information otherwise required in a manual record keeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic record keeping system as authorized by law, provided however, original written and faxed prescriptions must be physically maintained on file at the pharmacy pursuant to state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

3. **“Electronic record keeping system”, as used in this section shall mean a system, including machines, methods or organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Day, **House Amendment No. 12** was adopted.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

Mr Speaker

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
LeBlanc	LeVota	Low	McClanahan	McNeil
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 011

Corcoran	Emery	Flanigan	Holsman	Kuessner
Lampe	Liese	McDonald	Meadows	Schoemehl
Spreng				

VACANCIES: 001

On motion of Representative Lipke, **HCS SCS SB 829, as amended**, was adopted.



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On motion of Representative Lipke, **HCS SCS SB 829, as amended**, was read the third time and passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McGhee
McNary	McNeil	Meiners	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 001

Hughes

PRESENT: 001

Molendorp

ABSENT WITH LEAVE: 011

Corcoran	Dougherty	Emery	Flanigan	Kuessner
McClanahan	McDonald	Meadows	Schoemehl	Skaggs
Spreng				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 155

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 001

Molendorp

ABSENT WITH LEAVE: 006

Corcoran	Flanigan	Loehner	Meadows	Schoemehl
Spreng				

VACANCIES: 001

**SCS SB 834**, relating to domestic insurance companies, was taken up by Representative Diehl.

On motion of Representative Diehl, **SCS SB 834** was truly agreed to and finally passed by the following vote:

AYES: 110

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 50	Brown 149	Bruns	Burlison
Casey	Colona	Cooper	Cox	Cunningham
Davis	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Lair	Largent	Leara	Lipke
McClanahan	McGhee	McNary	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Parkinson	Pratt	Quinn
Roorda	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 035

Atkins	Bringer	Burnett	Carter	Chappelle-Nadal
Conway	Curls	Harris	Holsman	Hoskins 80
Hughes	Jones 63	Kander	Kirkton	Kuessner
Lampe	LeVota	Low	McDonald	McNeil
Morris	Newman	Pace	Rucker	Schupp
Shively	Skaggs	Still	Storch	Talboy
Vogt	Walsh	Walton Gray	Webb	Whitehead

PRESENT: 000

ABSENT WITH LEAVE: 017

Brown 30	Calloway	Corcoran	Denison	Dougherty
Flanigan	Frame	Funderburk	Kraus	LeBlanc
Liese	Loehner	Meadows	Parson	Pollock
Riddle	Spreng			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**SCS SB 616**, relating to community health center volunteers, was taken up by Representative Wasson.

Representative Day offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if the prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic record keeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescribe, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **in whatever format kept in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic record keeping system shall contain all information otherwise required in a manual record keeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic record keeping system as authorized by law, provided however, original written and faxed prescriptions must be physically maintained on file at the pharmacy pursuant to state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

3. **“Electronic record keeping system”, as used in this section shall mean a system, including machines, methods or organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Day, **House Amendment No. 1** was adopted.

Representative Dougherty offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. [Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on June 30, 2020.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 2** was adopted.

Representative Wells offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“208.198. Subject to appropriations, the department of social services shall establish a rate for reimbursement of physicians and optometrists for services rendered to patients under the MO HealthNet program which provides equal reimbursement for the same or similar services rendered.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wells, **House Amendment No. 3** was adopted by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Curls	Davis	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Faith	Fischer 107	Fisher 125	Flook	Franz
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kraus	Lair	Lampe	Largent	Leara
LeVota	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Parkinson	Parson	Pollock	Pratt	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Talboy	Thomson	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 003

Dethrow	Ervin	Pace
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PRESENT: 002

Swinger	Tilley
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ABSENT WITH LEAVE: 020

Corcoran	Cunningham	Fallert	Flanigan	Frame
Funderburk	Holsman	Hughes	Jones 89	Jones 117
Koenig	Kuessner	LeBlanc	Liese	Meadows
Quinn	Spreng	Stevenson	Vogt	Webber

VACANCIES: 001

Representative Wasson offered **House Amendment No. 4**.

### *House Amendment No. 4*

AMEND Senate Committee Substitute for Senate Bill No. 616, Page 1, Section 376.1745, Line 15, by deleting all of said line and inserting in lieu thereof the following “**volunteers recruited from local associations of professional described under section 538.315, RSMo.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Richard resumed the Chair.

On motion of Representative Wasson, **House Amendment No. 4** was adopted.

On motion of Representative Wasson, **SCS SB 616, as amended**, was read the third time and passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Conway	Cooper	Cox
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Franz	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray

Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 017

Calloway	Colona	Corcoran	Cunningham	Flanigan
Frame	Funderburk	Holsman	Hughes	Kuessner
LeBlanc	Meadows	Quinn	Salva	Scharnhorst
Spreng	Vogt			

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS SB 684**, relating to adoption orders and embryos, was taken up by Representative Stevenson.

Representative Storch offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 684, Page 1, Section A, Line 3, by inserting after all of said line the following:

“210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020, RSMo;

(2) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(3) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child up to [five] **thirty** days old pursuant to this section [and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050, RSMo, that a parent who is a defendant voluntarily relinquished a child no more than one year old pursuant to this section] if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than [one year] **thirty days** old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.



4. A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

- (1) A birth parent who has waived anonymity or the child's adoptive parent;
- (2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;
- (3) Persons performing juvenile court intake or dispositional services;
- (4) The attending physician;
- (5) The child's foster parent or any other person who has physical custody of the child;
- (6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;
- (7) The attorney representing the interests of the public in proceedings relating to the child; and
- (8) The attorney representing the interests of the child.

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than [one year] **thirty days** old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

[5.] 6. The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the division of family services and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the **children's** division [of family services] shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

[6.] 7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016, RSMo, to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

[7.] 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection [6] 7 of this section.

(2) If [a nonrelinquishing] **either** parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, [the nonrelinquishing] **either** parent may have all of his or her rights terminated with respect to the child.

(3) When [a nonrelinquishing] **either** parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer [the nonrelinquishing] **either** parent to the **children's** division [of family services] and the juvenile court exercising jurisdiction over the child.

[8.] 9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

[9.] 10. The **children's** division [of family services] shall:

- (1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;
- (2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

[10.] 11. Nothing in this section shall be construed as conflicting with section 210.125.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

**(c) The parent has voluntarily relinquished a child under section 210.950; or**

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter;

or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, RSMo, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Storch, **House Amendment No. 1** was adopted.

Representative Dethrow offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 684, Page 4, Section 453.256, Line 4, by inserting after all of said line the following:

**“Section 1. No state employee acting in the course of his or her employment shall recommend or otherwise suggest dissolution of marriage to a married individual as a method of qualifying for MO HealthNet.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dethrow, **House Amendment No. 2** was adopted by the following vote:

AYES: 114

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Casey
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fischer 107	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 121	Hummel	Ice	Jones 117
Keeney	Kelly	Kingery	Koenig	Kratky
Kraus	Lair	Lampe	Largent	Leara
LeVota	Liese	McGhee	McNary	McNeil
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nolte	Parkinson	Pratt	Quinn	Riddle
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

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NOES: 029

Carter	Chappelle-Nadal	Colona	Conway	Frame
Hoskins 80	Jones 63	Kander	Kirkton	Komo
Low	McClanahan	McDonald	Morris	Newman
Norr	Oxford	Pace	Roorda	Rucker
Schaaf	Schupp	Skaggs	Still	Talboy
Walton Gray	Webb	Whitehead	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 019

Burnett	Corcoran	Denison	Fallert	Flanigan
Holsman	Hughes	Jones 89	Kuessner	LeBlanc
Lipke	Loehner	Meadows	Nieves	Parson
Pollock	Salva	Spreng	Vogt	

VACANCIES: 001

On motion of Representative Stevenson, **HCS SB 684, as amended**, was adopted.

On motion of Representative Stevenson, **HCS SB 684, as amended**, was read the third time and passed by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Casey
Colona	Conway	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Parkinson	Parson	Pollock
Pratt	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 015

Carter	Chappelle-Nadal	Hoskins 80	Newman	Pace
Quinn	Schaaf	Schupp	Shively	Still
Talboy	Vogt	Walton Gray	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 014

Bivins	Cooper	Corcoran	Flanigan	Holsman
Hughes	Lair	Lochner	Low	Meadows
Molendorp	Roorda	Spreng	Webb	

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS SCS SB 815**, relating to elementary and secondary education, was taken up by Representative Wallace.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 815, Page 25, Section 167.128, Line 9, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;

- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.
- 5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.
- 6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.
- 7. [Pursuant to section 23.253, RSMo, of the Missouri sunset act:
  - (1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and
  - (2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and
  - (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on June 30, 2020.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Ruestman offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 815, Page 37, Section 2, Line 43, by inserting immediately after said line the following:

**“Section 3. 1. This section shall be known and may be cited as the "School Construction Act". The provisions of this section are intended solely to assist school districts in obtaining the maximum value from their tax dollars expended for the construction and maintenance of their educational facilities.**

**2. Notwithstanding any provision of law to the contrary, for work done on behalf of a school, a school district in any county except a county with a charter form of government may exempt itself from the provisions of sections 290.210 to 290.340 upon majority vote of the school board of such district. If the school district exempts itself from sections 290.210 to 290.340, the school district shall notify the division of labor standard within the department of such exemption.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee

McNary	Molendorp	Munzlinger	Nance	Nieves
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Talboy
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 010

Bruns	Corcoran	Flanigan	Funderburk	Meadows
Nasheed	Nolte	Scharnhorst	Swinger	Todd

VACANCIES: 001

Representative Ruestman moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Aull	Ayres	Bivins	Brandom	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Emery	Ervin
Faith	Fisher 125	Flook	Franz	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Keeney	Kingery	Lair	Largent	Lipke
McNary	Munzlinger	Nance	Nieves	Parkinson
Parson	Pollock	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Schlottach
Schoeller	Self	Smith 150	Stevenson	Stream
Thomson	Tracy	Viebrock	Wallace	Wells
Weter	Wilson 119	Wilson 130	Mr Speaker	



## 1796 *Journal of the House*

NOES: 085

Allen	Atkins	Biermann	Bringer	Brown 30
Brown 50	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Dusenberg	Englund	Fallert	Fischer 107	Frame
Gatschenberger	Grill	Grisamore	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Jones 117	Kander	Kelly	Kirkton	Komo
Kratky	Kraus	Kuessner	Lampe	Leara
LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meiners
Molendorp	Morris	Newman	Norr	Oxford
Pace	Pratt	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Spreng	Still
Storch	Sutherland	Talboy	Tilley	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Wright	Yaeger	Zerr	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 013

Bruns	Calloway	Flanigan	Funderburk	Koenig
Meadows	Nasheed	Nolte	Scharnhorst	Smith 14
Swinger	Todd	Wasson		

VACANCIES: 001

### Representative Stream offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 815, Page 38, Section B, by deleting all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stream, **House Amendment No. 3** was adopted.

### Representative Pratt offered **House Amendment No. 4.**

#### *House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 815, Page 22, Section 163.410, Line 20, by inserting after all of said line the following:

**“164.320. All qualified school construction bond issuance authorizations for calendar year 2010 shall be allocated by the department of elementary and secondary education on an average daily attendance basis to school districts in which the constitutionally required percentage of voters authorized the incurrence of debt on an applicable election day in August 2009, as provided in subsection 1 of section 115.123, the general election day in November 2009, as provided in subsection 6 of section 115.121, or on any applicable election date in 2010 in order to provide funds for such districts to acquire, construct, equip, improve, restore, or furnish public school facilities in accordance with the provisions of the American Recovery and Reinvestment Act of 2009 and with**

**Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds. The department shall utilize the most current available data in determining the per average daily attendance allocation amounts and shall submit a report to the secretary of the senate and the chief clerk of the house of representatives detailing the 2010 calendar year qualified school construction bond issuance authorization allocations not less than thirty days subsequent to the completion of the 2010 allocation schedule.”; and**

Further amend said bill, Page 38, Section B, Line 2, by inserting after all of said line the following:

“Section C. Because of the importance of making qualified school construction bond issuance authorizations available to school districts, the enactment of section 164.320 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 164.320 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 082

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Ervin	Faith	Fisher 125	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Icet	Jones 89	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Newman	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch

## 1798 *Journal of the House*

Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 008

Diehl	Emery	Flanigan	Holsman	Hoskins 121
Jones 117	Meadows	Nolte		

VACANCIES: 001

Representative Pratt moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Allen	Atkins	Bivins	Burlison	Burnett
Calloway	Carter	Colona	Conway	Curls
Davis	Dieckhaus	Dixon	Dougherty	Dusenberg
Englund	Faith	Flook	Frame	Funderburk
Gatschenberger	Grill	Grisamore	Hughes	Hummel
Jones 63	Jones 89	Kelly	Koenig	Komo
Kratky	Kraus	Lampe	Leara	LeBlanc
LeVota	Liese	Low	McDonald	McNary
McNeil	Meiners	Molendorp	Morris	Norr
Oxford	Parkinson	Pratt	Roorda	Salva
Schaaf	Scharnhorst	Schoeller	Schoemehl	Silvey
Smith 14	Spreng	Stevenson	Still	Stream
Talboy	Tilley	Tracy	Vogt	Webber
Whitehead	Zerr	Zimmerman		

NOES: 088

Aull	Ayres	Biermann	Brandom	Bringer
Brown 30	Brown 50	Brown 149	Bruns	Casey
Chappelle-Nadal	Cooper	Corcoran	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dugger
Emery	Ervin	Fallert	Fischer 107	Fisher 125
Franz	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Ice	Jones 117
Kander	Keeney	Kingery	Kirkton	Kuessner
Lair	Largent	Lipke	Loehner	McClanahan
McGhee	Munzlinger	Nance	Nasheed	Newman
Nieves	Pace	Parson	Pollock	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schad	Schieffer	Schlottach
Schupp	Self	Shively	Skaggs	Smith 150
Storch	Sutherland	Swinger	Thomson	Todd
Viebrock	Wallace	Walton Gray	Wasson	Webb
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Flanigan	Holsman	Meadows	Nolte
Walsh				

VACANCIES: 001

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Iceet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 064

Atkins	Aull	Biermann	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Lampe
LeVota	Liese	Low	McClanahan	Meiners
Morris	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

## 1800 *Journal of the House*

ABSENT WITH LEAVE: 013

Bringer	Diehl	Flanigan	Holsman	Kuessner
LeBlanc	McDonald	McNeil	Meadows	Nolte
Scharnhorst	Talboy	Viebrock		

VACANCIES: 001

On motion of Representative Wallace, **HCS SCS SB 815, as amended**, was adopted.

On motion of Representative Wallace, **HCS SCS SB 815, as amended**, was read the third time and passed by the following vote:

AYES: 098

Allen	Aull	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Calloway
Carter	Colona	Conway	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guest	Hobbs	Hoskins 121	Hughes
Iceet	Jones 89	Jones 117	Kingery	Koenig
Kratky	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Self	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Wasson	Wells	Weter	Wilson 119	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 060

Atkins	Ayres	Bringer	Burlison	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Englund
Fallert	Fischer 107	Frame	Guernsey	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Keeney	Kelly	Kirkton	Komo
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Morris
Newman	Nolte	Norr	Oxford	Pace
Quinn	Roorda	Salva	Schoemehl	Schupp
Shively	Silvey	Skaggs	Spreng	Still
Talboy	Todd	Vogt	Walton Gray	Webb
Webber	Whitehead	Wilson 130	Witte	Zimmerman

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 003

Diehl Flanigan Meadows

VACANCIES: 001

Speaker Richard declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2058**, entitled:

An act to amend chapter 429, RSMo, by adding thereto one new section relating to mechanic's liens, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HA 1, HA 2, HA 3 & HA 4** to **SCS SB 616**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 829, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House that the Senate refuses to adopt the **CCR on HCS#2 for SB 844**, and requests the House to grant further conference.

### BILLS CARRYING REQUEST MESSAGES

**HCS#2 SB 844**, relating to public officials, was taken up by Representative Jones (89).

Representative Jones (89) moved that the House grant the Senate further conference on **HCS#2 SB 844**.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Decken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore

## 1802 *Journal of the House*

Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 150	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Newman	Norr	Oxford
Pace	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Skaggs	Still	Storch
Swinger	Talboy	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 011

Carter	Flanigan	Meadows	Quinn	Salva
Shively	Smith 14	Spreng	Stevenson	Todd
Vogt				

VACANCIES: 001

Representative Jones (89) again moved that the House grant the Senate further conference on **HCS#2 SB 844**.

Which motion was adopted.

**HCS SCS SB 754, as amended**, relating to professional registration, was taken up by Representative Wasson.

Representative Wasson moved that the House grant the Senate further conference on **HCS SCS SB 754, as amended**.

Which motion was adopted.

**SCS SB 616, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3 and House Amendment No. 4**, relating to community health center volunteers, was taken up by Representative Wasson.

Representative Wasson moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3 and House Amendment No. 4** to **SCS SB 616**, and grant the Senate a conference.

Which motion was adopted.

**HCS SS SB 1007, as amended**, relating to public assistance programs, was taken up by Representative Cooper.

Representative Cooper moved that the House refuse to recede from its position on **HCS SS SB 1007, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 808, as amended**, relating to political subdivisions, was taken up by Representative Sutherland.

Representative Sutherland moved that the House refuse to recede from its position on **HCS SCS SB 808, as amended**, and grant the Senate a conference, and the conferees be allowed to exceed the differences on **House Amendment No. 4, as amended**.

Which motion was adopted.

Representative Wilson (130) assumed the Chair.

**HCS SCS SB 829, as amended**, relating to the justice system, was taken up by Representative Lipke.

Representative Lipke moved that the House refuse to recede from its position on **HCS SCS SB 829, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **BILLS IN CONFERENCE**

**CCR SCS HCS HB 1965, as amended**, relating to the repeal of expired statutes, was taken up by Representative McNary.

Representative Self moved the previous question.



## 1804 *Journal of the House*

Which motion was adopted by the following vote:

AYES: 082

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hoskins 121	Ice	Jones 89	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Thomson	Tilley	Tracy	Viebrock	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Morris
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 015

Casey	Corcoran	Denison	Flanigan	Hobbs
Jones 117	Meadows	Meiners	Nolte	Salva
Spreng	Sutherland	Vogt	Wallace	Whitehead

VACANCIES: 001

On motion of Representative McNary, **CCR SCS HCS HB 1965, as amended**, was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Davis	Dougherty
Englund	Fallert	Fischer 107	Flook	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Low	McClanahan	McDonald
McNeil	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Stevenson	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 010

Corcoran	Denison	Flanigan	Liese	Meadows
Meiners	Salva	Spreng	Vogt	Whitehead

VACANCIES: 001

1806 *Journal of the House*

On motion of Representative McNary, **CCS SCS HCS HB 1965** was read the third time and passed by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Flook	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Low	McClanahan	McDonald	McNeil
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Stevenson	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 013

Cooper	Corcoran	Davis	Flanigan	Liese
Loehner	Meadows	Meiners	Morris	Salva
Spreng	Vogt	Whitehead		

VACANCIES: 001

Representative Wilson (130) declared the bill passed.

**CCR SS HCS HBs 1408 & 1514**, relating to interest on income tax overpayments, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **CCR SS HCS HBs 1408 & 1514** was adopted by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Molendorp	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Cooper	Flanigan	Liese	McNary	Meadows
Meiners	Morris	Salva	Spreng	Vogt
Wallace	Whitehead	Mr Speaker		

VACANCIES: 001

1808 *Journal of the House*

On motion of Representative Smith (150), **CCS SS HCS HBs 1408 & 1514** was read the third time and passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Molendorp	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Brown 30	Cooper	Flanigan	Meadows	Meiners
Morris	Nasheed	Salva	Scharnhorst	Spreng
Talboy	Vogt	Wallace	Weter	Whitehead

VACANCIES: 001

Representative Wilson (130) declared the bill passed.

Representative Sander assumed the Chair.

**CCR SS SCS HB 1442, as amended**, relating to local taxes, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **CCR SS SCS HB 1442, as amended**, was adopted by the following vote:

AYES: 132

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Silvey
Skaggs	Smith 14	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr			

NOES: 018

Bringer	Burnett	Dethrow	Dugger	Dusenberg
Emery	Ervin	Grisamore	Koenig	Kraus
Oxford	Pratt	Schaaf	Schupp	Shively
Smith 150	Tracy	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 012

Dougherty	Flanigan	Hobbs	LeBlanc	McNary
Meadows	Salva	Self	Spreng	Vogt
Wallace	Mr Speaker			

VACANCIES: 001

1810 *Journal of the House*

On motion of Representative Jones (89), **CCS SS SCS HB 1442** was read the third time and passed by the following vote:

AYES: 130

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Englund	Faith
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Silvey	Smith 14	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Viebrock
Wallace	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 022

Bringer	Brown 30	Burnett	Davis	Dethrow
Dugger	Dusenberg	Emery	Ervin	Grisamore
Koenig	Kraus	Oxford	Pollock	Pratt
Schaaf	Schupp	Shively	Skaggs	Smith 150
Tracy	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 010

Dougherty	Fallert	Flanigan	LeBlanc	McNary
Meadows	Salva	Spreng	Vogt	Walsh

VACANCIES: 001

Representative Sander declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 132

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Guernsey	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Skaggs	Smith 14	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Viebrock	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman			

NOES: 018

Burnett	Dethrow	Dugger	Dusenberg	Emery
Ervin	Grisamore	Harris	Jones 63	Koenig
Kraus	Oxford	Pollock	Pratt	Schaaf
Shively	Smith 150	Tracy		

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 30	Dougherty	Flanigan	LeBlanc	McNary
Meadows	Salva	Spreng	Stevenson	Vogt
Wallace	Mr Speaker			

VACANCIES: 001

**CCR SCS HCS HB 2297, as amended**, relating to the Kansas City Zoological District, was taken up by Representative Molendorp.



On motion of Representative Molendorp, **CCR SCS HCS HB 2297, as amended**, was adopted by the following vote:

AYES: 130

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Englund	Faith	Fallert	Fischer 107	Fisher 125
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Low	McClanahan	McDonald
McGhee	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Quinn	Ruestman	Ruzicka	Sander
Scavuzzo	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Yaeger	Zerr	Mr Speaker

NOES: 019

Burlison	Cox	Davis	Dethrow	Dusenberg
Emery	Ervin	Flook	Grisamore	Koenig
Komo	Kraus	Nance	Pratt	Rucker
Sater	Schaaf	Schad	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 30	Flanigan	Jones 89	LeBlanc	Loehner
McNary	Meadows	Riddle	Roorda	Salva
Stevenson	Vogt	Wright		

VACANCIES: 001

On motion of Representative Molendorp, **CCS SCS HCS HB 2297** was read the third time and passed by the following vote:

AYES: 126

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Englund	Faith	Fallert
Fischer 107	Fisher 125	Frame	Franz	Funderburk
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kingery	Kirkton
Kratky	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Quinn
Riddle	Ruestman	Ruzicka	Sander	Scavuzzo
Scharnhorst	Schieffer	Schlottach	Schoeller	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Witte	Wright	Yaeger
Zerr				

NOES: 021

Brown 30	Burlison	Cox	Davis	Dethrow
Dugger	Dusenberg	Emery	Ervin	Flook
Grisamore	Koenig	Komo	Kraus	Nance
Pratt	Rucker	Sater	Schaaf	Schad
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 015

Burnett	Dougherty	Flanigan	Kelly	LeBlanc
McNary	Meadows	Roorda	Salva	Schoemehl
Stevenson	Sutherland	Vogt	Wilson 130	Mr Speaker

VACANCIES: 001

Representative Sander declared the bill passed.

Representative Davis assumed the Chair.

**CCR SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended**, relating to the regulation of certain professions, was taken up by Representative Wasson.

On motion of Representative Wasson, **CCR SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended**, was adopted by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 013

Bruns	Diehl	Flanigan	Hobbs	Hughes
Jones 117	LeBlanc	McNary	Meadows	Riddle
Scharnhorst	Spreng	Vogt		

VACANCIES: 001

On motion of Representative Wasson, **CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990** was read the third time and passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr		

NOES: 001

Zimmerman

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 012

Cooper	Diehl	Flanigan	Hughes	Jones 117
LeBlanc	McNary	Meadows	Scharnhorst	Spreng
Vogt	Mr Speaker			

VACANCIES: 001

Representative Davis declared the bill passed.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS HCS HBs 1408 & 1514**, and has taken up and passed **SS HCS HBs 1408 & 1514**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811**, entitled:

An act to repeal sections 193.145, 193.265, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 288.034, 327.031, 327.041, 327.351, 327.411, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.503, 339.710, 452.430, 511.580, 537.296, 563.011, 563.031, 571.030, 571.070, 571.104, and 571.107, RSMo, and to enact in lieu thereof eighty-eight new sections relating to real estate, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 9.

### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 96, Section 399.010, Line 28 of said page, by striking the word "shall" and inserting in lieu thereof the following: **"may"**.

### *Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Pages 139-140, Section 511.580, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

### *Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for the House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 137, Section 339.1240, Line 20, by inserting after all of said line the following:

**"429.016. 1. The provisions of this section shall only apply to mechanic's liens asserted against residential real property, other than mechanic's liens for the repair, remodeling, or addition to owner-occupied residential property of four units or less which are governed by section 429.013 and other applicable sections of this chapter.**

**2. As used in this section, the term "residential real property" means any parcel of real estate, improved or unimproved, that is intended to be used or is used for the construction of residential structures and related improvements which support the residential use of the land where such residential structures are intended, upon completion, either to be occupied or sold by the current owner. Such residential structures shall include any residential dwelling of four units or less, whether or not a unit is occupied by an owner and shall also include any structures consisting solely of residential condominiums, townhouses or cooperatives regardless of the number of units. The definition of "residential real estate" shall exclude any mixed use or planned unit developments except to the extent that any residential uses of such developments are, or will be, located on separate, identifiable parcels from the non-residential uses and then only as to those residential uses. Residential real property shall**

also include any streets, sidewalks, utility services, improved common areas, or other facilities which are constructed within the defined residential use structures or located on or within the separate and identifiable parcels identified as for residential use.

3. Any person or entity, hereinafter referred to as claimant, who seeks to retain the right to assert a mechanic's lien against residential real property, hereinafter referred to as property, shall record a notice of rights in the office of the recorder of deeds for the county in which the property is located, not less than five calendar days prior to the intended date of closing stated in a notice of intended sale as contemplated in this section.

4. Notwithstanding subsection 3 of this section, a claimant that is accurately identified in any previously recorded notice of rights recorded as to the property is relieved of its duty to record a notice of rights.

5. If the last day to record the notice of rights falls on a Saturday, Sunday, or legal holiday recognized by the state of Missouri, the notice of rights shall be recorded not later than the next day that the office of the recorder of deeds is open for business.

6. Any claimant that fails to record such notice of rights shall be deemed to waive and forfeit any right to assert a mechanic's lien against such property. Despite any such waiver and forfeiture of mechanic's lien rights, the claimant shall retain all other rights and remedies allowed by law to collect payment for its work, labor, and materials.

7. Notwithstanding any other provision of this section, a notice of rights recorded after the owner's conveyance of the property to a bona fide purchaser for value shall not be effective to preserve the claimant's mechanic's lien rights to the property.

8. The notice of rights shall comply with section 59.310 and be on a form substantially as follows:

#### NOTICE OF RIGHTS

**Date:** The date of the document.

**Owner:** Identify Property owner, as "Grantor" by correct name.

**Claimant:** Identify Claimant, as "Grantee" by correct name, current address, contact persons, and current telephone number.

**Property:** The legal description of the property.

**Person Contracting with Claimant for Work:** Identify person or entity contracting with Claimant by correct name, current address, and current telephone number.

**Persons performing work for or supplying materials to Claimant:** Claimant may, but is not obligated to, identify any persons or entities which have or will be performing work or supplying materials on behalf of Claimant for the Property. Said persons or entities must be identified by correct legal name, address, and current telephone number.

A recorded notice correctly identifies a person or entity so long as the identifying information in the notice is neither deceptively similar to another person or entity reasonably likely to provide labor, materials, supplies, or equipment for the improvement of property nor so deficient in information as to make it unreasonably difficult to identify such person or entity. The form shall be signed by a person authorized to execute the form on behalf of the claimant, and such signature shall be notarized. The name of the person signing the form shall be printed legibly or typed immediately below the signature.

9. The notice of rights shall be recorded by the claimant in the office of the recorder of deeds of the county in which the property is located.

10. The recorder of deeds shall record such notice of rights in the land records and index notice of rights such that owners shall be deemed grantors and claimants shall be deemed grantees, and the grantor's signature shall not be required for recording.

11. (1) If the record title owner of residential real property, hereinafter the owner, has contracted with a claimant for the performance or provision of work, labor, or materials for the improvement of such property in order to facilitate the owner's sale of such property to a bona fide purchaser for value as contemplated in this section, then the owner or such owner's designated agent, shall record a notice of intended sale in the office of the recorder of deeds for the county in which the property is located. The notice of intended sale shall be recorded not less than forty-five calendar days prior to the earliest calendar date the owner intends to close on the sale of such property to such purchaser. The notice of intended sale shall state the calendar date on which the owner intends to close on the sale of such property to such purchaser. Only one notice of intended sale shall be recorded,

even if the intended date of closing stated therein is postponed to a date later than that stated in the notice of intended sale. The owner's, or its designated agent's, recording of a notice of intended sale as to the subject property, as contemplated herein, is a condition precedent to a claimant's obligation to record a notice of rights as to the subject property in order to retain a claimant's mechanics lien rights as to such property.

(2) The owner, or its designated agent, shall post on the subject property, or at an entrance to the subject property, or at any jobsite office located at or near the subject property, a copy of the owner's notice of intended sale.

(3) The owner, or its designated agent, shall provide any claimant with a copy of the notice of intended sale and a copy of a legal description of the subject property, within five calendar days after the date the owner, or its designated agent, receives a written request for the same from any such claimant. The information contemplated herein shall be transmitted by U.S. mail addressed to the claimant's registered agent or principal place of business or transmitted by other commercially reasonable means. A claimant shall, in turn, provide any person or entity with which it has contracted to perform or provide work, labor, or materials for the improvement of the subject property, with written notice in the same form and manner, and containing the same information, as the written notice issued by the owner, all within ten calendar days after the date the claimant receives a written request for the same from any such person or entity.

(4) If any owner, or its designated agent, fails to comply with the requirements of this section, a claimant shall be entitled to receive, as its sole and exclusive remedy for such failure to comply with the section, the claimant's actual and reasonable costs, excluding attorney fees, to obtain a legal description of the subject property necessary for the claimant to record its notice of rights. The costs described in this section shall be lienable expenses. The owner's, or its designated agent's failure to post or mail or transmit the information contemplated in this section, shall not relieve, and is not a condition precedent to, a claimant's obligation to record its notice of right in order to retain claimant's mechanic lien rights as to such property.

(5) The owner, or its designated agent, shall not be liable to any claimant, or other person, for any error, omission, or inaccuracy in the content of the information provided and disclosed by the owner, or its designated agent, except as otherwise expressly provided in this section. If a claimant receives a copy of the notice of intended sale and a legal description of the subject property from the owner, or its designated agent as contemplated in this section and the claimant relies in good faith upon the legal description and includes such legal description in a notice of rights as required in this section, and the claimant's notice of rights otherwise complies with the requirements of this section, then any such claimant's notice of rights shall be deemed to comply with the requirements of this section, and such claimant's right to assert a mechanic's lien as to the subject residential real property shall be retained even if subsequently it is determined that such legal description is in error or inaccurate as to the subject residential real property.

12. The recording of a notice of rights shall not extend the time for filing a mechanic's lien as provided under section 429.080.

13. A separate notice of rights shall be recorded for each lot or parcel of residential real property upon which the claimant performs its work. Nothing herein shall be construed to prohibit the claimant from providing a notice of rights covering multiple lots in the same subdivision if common ownership of lots exists. If the claimant commences its work prior to the platting or subdivision of a tract of land comprising residential real property, the claimant is only required to record one notice of rights provided that the entire tract of land upon which any such lien is to be asserted is described in such notice of rights.

14. The claimant shall not be required to provide the notice required under section 429.100, but compliance with the requirements of this section shall not relieve the claimant of its duty to comply with all other applicable sections of this chapter, except as specifically modified herein, in order to preserve, assert, and enforce its mechanic's lien rights.

15. For purposes of any mechanic's liens against residential real property only, a claimant satisfies the just and true account requirement contained in section 429.080 by providing the following information and documentation as part of its mechanic's lien claim filed with the clerk of the circuit court:

(1) A photocopy of the file-stamped notice of rights and any renewals of notice of rights recorded by or identifying claimant;

(2) The name and address of the person or entity which claimant contracted with to perform work on the property;

(3) A copy of any contract or contracts, purchase order or orders, or proposal or proposals, hereinafter collectively referred to as agreements, and any agreed change orders or modifications to such agreement or agreements under which claimant performed its work on the property;

(4) In the absence of any written agreement or agreements, a general description of the scope of work agreed to be performed by claimant on the property and the basis for payment for such work as agreed to by claimant and the contracting party;

(5) All invoices submitted by claimant for its work on the property;

(6) An accurate statement of account which shows all payments or credits against amounts otherwise due to claimant for the work performed on the property and the calculation or basis for the amount claimed by claimant in its mechanic's lien statement; and

(7) The last date that claimant performed any work or labor upon, or provided any materials or equipment to, the property;

(8) The claimant shall attach a file-stamped copy of his or her notice of rights to claimant's mechanic's lien statement if and when filed with the circuit clerk under section 429.080.

16. To the extent that any error in the information contained in the claimant's notice of rights prejudices the owner, any lender, disbursing company, title insurance company, or subsequent purchaser of the property, the claimant's rights to assert a mechanic's lien shall be forfeited to the extent of the prejudice caused by such error.

17. A person having an interest in any residential real property against which a mechanic's lien has been filed may release such residential real property from any such mechanic's lien by:

(1) Depositing in the office of the circuit clerk a sum of money, in cash or certified check, an irrevocable letter of credit, which may be secured, issued by a federally or state chartered bank, savings and loan association or savings bank, referred to hereafter as a bank, authorized to and doing business in the state of Missouri, or a surety bond issued by a surety company authorized to do surety business in the state of Missouri and having a certificate of authority to do business with the United States government in accordance with 31 CFR Section 223.1, in an amount not less than one hundred fifty percent of the amount of the mechanic's lien being released; and

(2) Recording with the recorder of deeds and filing with the circuit clerk a certificate of deposit signed by the circuit clerk which provides the following information:

(a) Amount of money deposited, amount of the letter of credit deposited, or penal sum of the bond deposited, along with the name and address of the bank issuing the letter of credit or surety company issuing the bond, as well as a service address for the bank or surety company;

(b) Name of claimant, number assigned to the mechanic's lien being released, and the amount of the mechanic's lien being released;

(c) Legal description of the property against which the mechanic's lien was filed;

(d) Name, address, and property interest of the person making the deposit of money, providing the letter of credit or providing the surety bond; and

(e) A certification by the person making the deposit of money, providing the letter of credit, or providing the surety bond that they have mailed a copy of the certificate of deposit to the claimant at the address listed on the mechanic's lien being released, along with a copy of any letter of credit or bond deposited by said person.

18. Any surety bond deposited as substitute collateral shall obligate the surety company, to the extent of the penal sum of the bond, to pay any judgment entered under section 429.210.

19. Any letter of credit deposited as substitute collateral shall obligate the issuing bank, to the extent of the amount of the letter of credit, to pay any judgment entered under section 429.210.

20. Upon release of the residential real property from a mechanic's lien by the deposit of substitute collateral, the claimant's rights are transferred from the residential real property to the substitute collateral.

21. Upon determination of the amount of claimant's claim, if any, against the substitute collateral, the court shall either:

(1) Order the circuit clerk to pay the claimant any sums awarded out of the deposited funds and release any remainder to the person or entity who made the cash deposit;

(2) Order the bank to issue payment under the letter of credit for the awarded amount but not exceeding the amount of the letter of credit;

(3) Render judgment against the surety company on the bond for the amount awarded up to but not exceeding the penal sum of the bond; or

(4) Release the substitute collateral

all as deemed appropriate by the court.

22. The deposit of substitute collateral and release of claimant's mechanic's lien shall not modify any aspect of the priority of claimant's interest, claimant's burden of proving compliance with the mechanic's lien



statutes, or claimant's obligations with respect to enforcement of its mechanic's lien claim, including, but not limited to, time for filing suit to enforce and necessary parties to the suit to enforce. It is the intent only that the deposited substitute collateral shall be the ultimate source of any potential recovery by claimant instead of the funds generated by foreclosure of the residential real property.

23. A release of a mechanic's lien under the deposit of substitute collateral shall not relieve any claimant of potential liability for slander of title or otherwise due to the filing of claimant's mechanic's lien.

24. The surety company for any bond or the bank which issued the letter of credit deposited under this section shall be made a party to any mechanic's lien enforcement action with respect to any mechanic's lien released by the deposit of said bond or letter of credit.

25. Any claimant may waive its right to assert a mechanic's lien against residential real property by executing a partial or full waiver of mechanic's lien rights, whether conditioned upon receipt of payment or unconditional, provided that a waiver of mechanic's lien rights shall not be deemed or interpreted to waive or release mechanic's lien rights in exchange for a payment of less than the amount claimed due at that time unless such mechanic's lien waiver is an unconditional, final mechanic's lien waiver in compliance with this section.

26. An unconditional, final lien waiver is a complete and absolute waiver of any mechanic's lien rights against the residential real property described in the mechanic's lien waiver, including any rights which might otherwise arise from remedial or additional labor, services, or materials provided to the residential real property, or which might benefit the residential real property, under either an initial agreement or a supplemental agreement entered into by the same parties prior to the execution of the unconditional, final mechanic's lien waiver.

27. An unconditional, final mechanic's lien waiver shall only be valid if it is on a form that is substantially as follows:

**UNCONDITIONAL FINAL LIEN WAIVER FOR RESIDENTIAL REAL PROPERTY**

Claimant (provide legal name and address of Claimant) hereby fully, finally, and unconditionally waives and releases any right to assert or enforce a mechanic's lien claim against the residential real property identified below for all work performed by Claimant prior to the date set forth below and for any work hereafter performed by or on behalf of Claimant under any agreements executed by Claimant prior to said date set forth below:

(Provide legal description of the Property)

Claimant's legal name and the name, title or position, address, and telephone number of the person executing the unconditional final lien waiver on behalf of claimant shall be typed or legibly printed immediately above or below the signature, and the date that the document was signed shall be typed or legibly printed immediately adjacent to the signature.

28. A claimant executing an unconditional, final mechanic's lien waiver for less than full consideration shall be bound by such mechanic's lien waiver as it relates to any rights to assert a mechanic's lien against the property, but such mechanic's lien waiver shall not constitute a waiver or release of any other claim, remedy, or cause of action.

29. An unconditional, final mechanic's lien waiver meeting the requirements of this section is valid and enforceable as to claimant's mechanic's lien rights as to the property identified on the unconditional, final mechanic's lien waiver notwithstanding claimant's failure to receive any promised payment or other consideration.

30. Any claimant who has recorded a notice of rights and who has been paid in full for the work performed on the property shall timely execute an unconditional, final mechanic's lien waiver, shall not unreasonably withhold such a waiver when circumstances require prompt execution, and in no event shall fail to provide a waiver any later than five calendar days after claimant's receipt of a written request to do so by any person or entity. A claimant who fails or refuses timely to execute an unconditional, final lien waiver when such claimant has been paid in full for any labor, materials, services, or equipment supplied or used in the improvement to the property shall be presumed liable for slander of title and for any damages sustained as a result thereof, together with a statutory penalty of five hundred dollars.

31. The provisions of this section shall apply to any residential real property conveyance closing on or after November 1, 2010."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 3, Section 193.145, Lines 18-27 of said page, by striking all of said lines.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 2, Section A, Line 15 of said page, by inserting after all of said line the following:

**"60.670. 1. As used in this section, the following terms shall mean:**

**(1) "Cadastral parcel mapping", an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats.**

**(2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping, graphic display and output, data analysis, and data base management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;**

**(3) "USPLSS" or "United States public land survey system", a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of natural resources;**

**(4) "Tax map", a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.**

**2. The office of the state land surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation."; and**

Further amend said bill, Page 90, Section 327.041, Line 22, by inserting after all of said line, the following:

**"327.272. 1. A professional land surveyor shall include** any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words including, but not limited to "registered", "professional" or "land" indicating or implying that the person is, or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of **land surveying**, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

**(1) The determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;**

(2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts;

(4) **Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection;**

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

[(5)] (6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

[(6)] (7) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

[(7)] (8) Establishment of state plane coordinates;

[(8)] (9) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

[(9)] (10) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

[(10)] (11) Layout of proposed improvements;

[(11)] (12) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term "real property rights" means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 137, Section 441.645, Line 26 of said page, by inserting after all of said line the following:

"452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

(1) The financial needs and resources of the child;

(2) The financial resources and needs of the parents;

(3) The standard of living the child would have enjoyed had the marriage not been dissolved;

(4) The physical and emotional condition of the child, and the child's educational needs;

(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and

(6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the family support division may determine the amount of the abatement pursuant to this subsection for any child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454, RSMo. If the case is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the automated child support system record established in chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent;

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply; or

(6) Reaches age twenty-one, unless the provisions of the child support order specifically extend the parental support order past the child's twenty-first birthday for reasons provided by subsection 4 of this section.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-one, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. When enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his or her courseload in any one semester, payment of child support may be terminated and shall not be eligible for reinstatement. Upon request for notification of the child's grades by the noncustodial parent, the child shall produce the required documents to the noncustodial parent within thirty days of receipt of grades from the education institution. If the child fails to produce the required documents, payment of child support may terminate without the accrual of any child support arrearage and shall not be eligible for reinstatement. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a developmental disability, as defined in section 630.005, RSMo, or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support

guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the family support division establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the **state case registry** or child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-one if the child support order does not specifically require payment of child support beyond age twenty-one for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the **family support division [of child support enforcement] for an order entered under section 454.470;**

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division **for an order entered under section 454.470**, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division, **as applicable**, on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the family support division **for an order entered under section 454.470**, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, **as applicable**, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division, **as applicable**, on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a [motion to modify the support obligation pursuant to section 452.370 or section 454.496, RSMo,] **request for hearing** and shall proceed to hear and adjudicate such [motion] **request for hearing** as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such [motion to modify] **request for hearing**. **When the division receives a request for hearing, the hearing shall be held in the manner provided by section 454.475.**

12. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 11 of this section on both the obligor and obligee

parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370."; and

Further amend said bill, Page 138, Section 452.430, Line 22 of said page, by inserting after all of said line the following:

"454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter 536, RSMo, by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140, RSMo.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall [use the scale and formula for minimum support obligations established by the department pursuant to section 454.480] **consider the factors set forth in section 452.340.**

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that parent, the hearing officer shall enter findings and order in accordance with the provisions of the notice and finding of support responsibility unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140, RSMo, by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision. Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child, the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822, RSMo. In determining the amount of child support, the director shall consider the factors set forth in section 452.340, RSMo. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.

454.517. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon any workers' compensation benefits payable to an obligor delinquent in child or spousal support payments.

2. No such lien shall be effective unless and until a written notice is filed with the director of the division of workers' compensation. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support.

3. Notice of lien shall not be filed unless the delinquent child or spousal support obligation exceeds one hundred dollars.

4. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment of workers' compensation benefits to such obligor or to such obligor's attorneys, heirs or legal representative, after receipt of such notice, as defined in subsection 5 of this section, shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section 208.040, RSMo, to the state or IV-D agency in an amount equal to the lesser of the workers' compensation benefits paid or delinquent child or spousal support. In such event, the lien may be enforced by a suit at law against any person or persons, firm or firms, corporation or corporations making the workers' compensation benefit payment.

5. Upon the filing of a notice pursuant to this section, the director of the division of workers' compensation shall mail to the obligor and to all attorneys and insurance carriers of record, a copy of the notice. The obligor, attorneys and insurance carriers shall be deemed to have received the notice within five days of the mailing of the notice by the director

of the division of workers' compensation. The lien described in this section shall attach to all workers' compensation benefits which are thereafter payable.

6. A notice issued by the IV-D agency of this state shall advise the obligor of the procedures to contest the lien under section 454.475 on the grounds that such lien is improper due to a mistake of fact by requesting a hearing within thirty days of the mailing date of the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the overdue support or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues.

7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligor's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

454.557. 1. A current support obligation shall not be recorded in the records maintained in the automated child support system in the following cases:

(1) In a IV-D case with a support order pursuant to section 454.465 or 454.470 when the division determines that payments for current support are no longer due and should no longer be made to the payment center. The division shall notify by first class mail the obligor and obligee under the support orders that payments shall no longer be made to the payment center, and any withholding of income shall be terminated unless it is subsequently determined by the division or court having jurisdiction that payments will continue. The division's determination shall terminate the division's support order, but shall not terminate any obligation of support established by court order. The obligor and obligee may contest the decision of the division to terminate the division's support order by requesting a hearing within thirty days of the mailing of the notice provided pursuant to this section. The hearing shall comply with the provisions of section 454.475;

(2) In [a IV-D case] **all cases** with a support order entered by a court when the court that issued the support order terminates such order [and notifies the division]. The division shall also cease enforcing the order if no past support is due; or

(3) In all cases when the [child is twenty-two years of age, unless a court orders support to continue. The obligor or obligee may contest the decision of the division to terminate accruing support orders by requesting a hearing within thirty days of the mailing of notice by the division. The hearing shall comply with the provisions of section 454.475. The issue at the hearing, if any, shall be limited to a mistake of fact as to the age of the child or the existence of a court order requiring support after the age of twenty-two] **obligation of a parent to make child support payments is deemed terminated under subdivisions (1) to (4) of subsection 11 of section 452.340.**

2. Nothing in this section shall affect or terminate the amount due for unpaid past support.

454.1003. 1. A court or the director of the division of child support enforcement may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

(1) When the obligor is not making child support payments in accordance with a [court] **support** order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:

- (1) Pays the entire arrearage stated in the notice;
- (2) Enters into and complies with a payment plan approved by the court or the division; or
- (3) Requests a hearing before the court or the director.

4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536, RSMo.

5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the division of child support enforcement may restrict such licenses in accordance with the provisions of this chapter."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 2, Section A, Line 15, by inserting after all of said line the following:

**"67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the "Property Assessment Clean Energy Act".**

**2. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:**

**(1) "Assessment contract", a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years in exchange for financing of an energy efficiency improvement or a renewable energy improvement;**

**(2) "Authority", the state environmental improvement and energy resources authority established under section 260.010;**

**(3) "Bond", any bond, note, or similar instrument issued by or on behalf of a clean energy development board;**

**(4) "Clean energy conduit financing", the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;**

**(5) "Clean energy development board", a board formed by one or more municipalities under section 67.2810;**

**(6) "Energy efficiency improvement", any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:**

**(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;**  
**(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;**

**(c) Automatic energy control systems;**

**(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;**

**(e) Caulking and weatherstripping;**

**(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;**

**(g) Energy recovery systems; and**

**(h) Daylighting systems;**

**(7) "Municipality", any county, city, or incorporated town or village of this state;**

**(8) "Project", any energy efficiency improvement or renewable energy improvement;**

**(9) "Property assessed clean energy local finance fund", a fund that may be established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;**

**(10) "Property assessed clean energy program", a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;**

**(11) "Renewable energy improvement", any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable**



resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

3. All projects undertaken under sections 67.2800 to 67.2835 are subject to the applicable municipality's ordinances and regulations, including, but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

67.2805. 1. The authority may, as needed, promulgate administrative rules and regulations relating to the following:

(1) Guidelines and specifications for administering the property assessed clean energy local finance fund; and

(2) Any clarification to the definitions of energy efficiency improvement and renewable energy improvement as the authority may determine is necessary or advisable.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

67.2810. 1. One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:

(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or

(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.

2. A clean energy development board shall be a political subdivision of the state and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to 67.2835, including, but not limited to the following:

(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to 67.2835;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To make and enter into contracts and other instruments with public and private entities;

(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;

(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;

(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;

(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;

(9) To finance a project under an assessment contract;

(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;

(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the limitations on investments provided in this subdivision shall not apply to proceeds acquired from the sale of bonds which are held by a corporate trustee; and

(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.

3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board and with the director of the department of natural resources, an annual report for the preceding calendar year that includes:

(1) A brief description of each project financed by the clean energy development board during the preceding calendar year, which shall include the physical address of the property, the name or names of the property owner, an itemized list of the costs of the project, and the name of any contractors used to complete the project;

(2) The amount of assessments due and the amount collected during the preceding calendar year;

(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;

(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and

(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.

4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.

67.2815. 1. A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

2. An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:

(1) A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;

(2) A mechanism for:

(a) Verifying the final costs of the project upon its completion; and

(b) Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

(3) An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that equals or exceeds the total assessments due under the assessment contract;

(4) An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;

(5) A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and

(6) An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

3. The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.

4. The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.

5. Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the county collector in the same manner and with the same priority as ad valorem real property taxes. Once collected, the county collector shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such

special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.

6. Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves the issuance of bonds by the clean energy development board.

67.2820. 1. Any clean energy development board may establish a property assessed clean energy program to finance energy efficiency improvements or renewable energy improvements. A property assessed clean energy program shall consist of a program whereby a property owner may apply to a clean energy development board to finance the costs of a project through annual special assessments levied under an assessment contract.

2. A clean energy development board may establish application requirements and criteria for project financing approval as it deems necessary to effectively administer such program and ration available funding among projects, including but not limited to requiring projects to meet certain energy efficiency standards.

3. Clean energy development boards shall ensure that any property owner approved by the board to participate in a property assessed clean energy program or clean energy conduit financing under sections 67.2800 to 67.2835 shall have good credit worthiness or shall otherwise be considered a low risk for failure to meet the obligations of the program or conduit financing.

4. A clean energy development board may require an initial energy audit conducted by a qualified home energy auditor as defined in subdivision (4) of subsection 1 of section 640.153 as a prerequisite to project financing through a property assessed clean energy program as well as inspections to verify project completion.

67.2825. 1. In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.

2. A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.

67.2830. 1. A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.

2. Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.

67.2835. The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 143, Section 571.030, Line 28, by striking all of said line from the bill; and

Further amend said bill, and section, Page 144, Line 1, by striking all of said line, and inserting in lieu thereof the following:

"(5) [Possesses or discharges a firearm or projectile weapon while intoxicated] **Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or**".

*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 138, Section 452.430, Line 22 of said page, by inserting after all of said line the following:

"488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund may be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In addition, such fund may also be applied and expended for that county's or circuit's family services and justice fund.

3. In any county[, other than a county on the nonpartisan court plan,] such fund may also be applied and expended for courtroom renovation and technology enhancement, or for debt service on county bonds for such renovation or enhancement projects."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 1965, as amended**, and has taken up and passed **CCS SCS HCS HB 1965**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 754, as amended**: Senators Dempsey, Scott, Pearce, Justus and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 808, as amended**: Senators Callahan, Green, Griesheimer, Dempsey and Crowell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 829, as amended**: Senators Schaefer, Schmitt, Pearce, McKenna and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following Conference Committee to act with a like Committee from the House on **HCS#2 SB 844**: Senators Shields, Scott, Vogel, Green and McKenna.

### SENATE CONCURRENT RESOLUTION

**SCR 31**, relating to international education, was taken up by Representative Hoskins (121).

Representative Ervin assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

**SCR 31** was laid over.

### APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**SCS SB 616**: Representatives Wasson, Wells, Day, Yaeger and Schoemehl

**HCS SCS SB 808**: Representatives Sutherland, Nolte, Hobbs, Webber and Skaggs

**HCS SCS SB 829**: Representatives Lipke, Hobbs, Keeney, Morris and Kelly

**HCS SS SB 1007**: Representatives Cooper, Sater, Brandom, McClanahan and Jones (63)

Representative Ervin resumed the Chair.

### SENATE CONCURRENT RESOLUTIONS

**SCR 31**, relating to international education, was again taken up by Representative Hoskins (121).

On motion of Representative Hoskins (121), **SCR 31** was adopted by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Burnett	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest

Harris	Hobbs	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	Low	McDonald	McGhee
McNeil	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 012

Biermann	Bringer	Calloway	Frame	Hodges
Kuessner	LeVota	McClanahan	Newman	Quinn
Skaggs	Still			

PRESENT: 000

ABSENT WITH LEAVE: 013

Corcoran	Diehl	Flanigan	Flook	LeBlanc
McNary	Meadows	Meiners	Salva	Schupp
Spreng	Vogt	Wallace		

VACANCIES: 001

**HCS SCR 55**, relating to fishing and boating, was taken up by Representative Dixon.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Dixon, **HCS SCR 55** was adopted by the following vote:

AYES: 122

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Hummel	Ice	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kratky	Kraus

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Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNeil	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Spreng	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman			

NOES: 024

Bringer	Burnett	Calloway	Curls	Hoskins 80
Hughes	Jones 63	Kelly	Kirkton	LeVota
Low	Morris	Newman	Norr	Pace
Quinn	Roorda	Schupp	Skaggs	Still
Talboy	Walton Gray	Webb	Whitehead	

PRESENT: 003

Holsman	Oxford	Schoemehl
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ABSENT WITH LEAVE: 013

Corcoran	Diehl	Flanigan	Kander	LeBlanc
McNary	Meadows	Meiners	Salva	Stevenson
Vogt	Webber	Mr Speaker		

VACANCIES: 001

Representative Jones (89) assumed the Chair.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HB 1316, as amended**, relating to property tax assessment notices, was taken up by Representative Deeken.

On motion of Representative Deeken, **SCS HCS HB 1316, as amended**, was adopted. the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill

Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Ice
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Zerr

NOES: 010

Brown 30	Burlison	Dusenberg	Grisamore	Hughes
Kraus	Pratt	Spreng	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 012

Corcoran	Flanigan	Kander	LeBlanc	McNary
Meadows	Salva	Schupp	Stevenson	Vogt
Webber	Mr Speaker			

VACANCIES: 001

On motion of Representative Deeken, **SCS HCS HB 1316, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 130

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burnett	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Ice
Jones 63	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meiners	Molendorp
Morris	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson



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Pollock	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Scharnhorst	Schieffer	Schoeller	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Zerr

NOES: 016

Brown 30	Burlison	Carter	Davis	Dusenberg
Ervin	Flook	Grisamore	Hughes	Kraus
Nance	Pratt	Schad	Spreng	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 016

Cooper	Corcoran	Flanigan	Kander	Kelly
LeBlanc	McNary	Meadows	Munzlinger	Salva
Schlottach	Schoemehl	Stevenson	Vogt	Webber
Mr Speaker				

VACANCIES: 001

Representative Jones (89) declared the bill passed.

**SCS HB 1941, as amended**, relating to a memorial highway, was taken up by Representative Parson.

On motion of Representative Parson, **SCS HB 1941, as amended**, was adopted by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
Low	McDonald	McGhee	Meiners	Molendorp
Morris	Munzlinger	Nance	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson

Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr				

NOES: 011

Bringer	Burnett	Hughes	Kraus	LeVota
McClanahan	McNeil	Newman	Skaggs	Spreng
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Corcoran	Flanigan	LeBlanc	McNary
Meadows	Nasheed	Salva	Vogt	Mr Speaker

VACANCIES: 001

On motion of Representative Parson, **SCS HB 1941, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson

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Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Witte
Wright	Yaeger	Zerr		

NOES: 009

Bringer	Burnett	Hughes	Kraus	McNeil
Newman	Skaggs	Spreng	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Corcoran	Flanigan	LeBlanc	McNary
Meadows	Talboy	Vogt	Wilson 130	Mr Speaker

VACANCIES: 001

Representative Jones (89) declared the bill passed.

**HB 1942, with Senate Amendment No. 1**, relating to a memorial highway, was taken up by Representative Parson.

On motion of Representative Parson, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 89	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock

Wallace	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	

NOES: 002

Spreng	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 011

Cooper	Corcoran	Flanigan	Jones 117	LeBlanc
McNary	Meadows	Still	Vogt	Walsh
Mr Speaker				

VACANCIES: 001

On motion of Representative Parson, **HB 1942, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Lochner	Low
McClanahan	McDonald	McGhee	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr

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NOES: 002

Spreng                      Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Corcoran	Flanigan	Jones 117	LeBlanc
McNary	Meadows	Vogt	Walsh	Mr Speaker

VACANCIES: 001

Representative Jones (89) declared the bill passed.

**HB 1643, with Senate Amendment No. 1 and Senate Amendment No. 2**, relating to donations to assist the homeless, was taken up by Representative Brown (50).

On motion of Representative Brown (50), the House concurred in **Senate Amendment No. 1** and **Senate Amendment No. 2** by the following vote:

AYES: 134

Allen	Atkins	Aull	Biermann	Bivins
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Lipke	Loehner	Low
McDonald	McGhee	McNeil	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	

NOES: 010

Ayres	Davis	Dethrow	Dugger	Ervin
Guernsey	Koenig	Schad	Wallace	Wilson 119

PRESENT: 000

ABSENT WITH LEAVE: 018

Brandom	Cooper	Corcoran	Flanigan	Jones 63
Jones 117	LeBlanc	Liese	McClanahan	McNary
Meadows	Meiners	Salva	Sater	Talboy
Vogt	Walsh	Mr Speaker		

VACANCIES: 001

On motion of Representative Brown (50), **HB 1643, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 133

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cox
Cunningham	Curts	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Emery	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 89	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Lipke	Loehner
Low	McDonald	McGhee	McNeil	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman		

NOES: 010

Ayres	Davis	Dethrow	Dugger	Ervin
Guernsey	Koenig	Schad	Wallace	Wilson 119

PRESENT: 000

ABSENT WITH LEAVE: 019

Cooper	Corcoran	Flanigan	Jones 63	Jones 117
LeBlanc	Liese	McClanahan	McNary	Meadows
Meiners	Salva	Sander	Sater	Spreng
Talboy	Vogt	Walsh	Mr Speaker	

VACANCIES: 001

Representative Jones (89) declared the bill passed.

### **BILL CARRYING REQUEST MESSAGE**

**HCS#2 SCS SB 778**, relating to conveyances of state property, was taken up by Representative McGhee.

Representative McGhee moved that the House refuse to recede from its position on **HCS#2 SCS SB 778** and grant the Senate a conference, and that the conferees be allowed to exceed the differences.

Which motion was withdrawn.

Representative McGhee again moved that the House refuse to recede from its position on **HCS#2 SCS SB 778** and grant the Senate a conference, and that the conferees be allowed to exceed the differences by inserting language regarding access to the Capitol dome key.

Which motion was adopted.

Representative Nieves assumed the Chair.

### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, relating to the justice system, was taken up by Representative Stevenson.

Representative Stevenson moved that the House refuse to adopt **SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS HB 2290**, relating to eligibility for public assistance, was taken up by Representative Wasson.

On motion of Representative Wasson, **SS HB 2290** was adopted by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Loehner	McClanahan
McDonald	McGhee	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Witte	Wright
Yaeger	Zerr	Zimmerman		

NOES: 007

Davis	Dethrow	Dugger	Ervin	Sater
Schad	Self			

PRESENT: 000

ABSENT WITH LEAVE: 022

Brown 30	Brown 50	Cooper	Corcoran	Flanigan
Hobbs	Hughes	Jones 89	Jones 117	LeBlanc
Lipke	Low	McNary	Meiners	Roorda
Salva	Spreng	Stevenson	Tilley	Vogt
Wilson 130	Mr Speaker			

VACANCIES: 001



On motion of Representative Wasson, **SS HB 2290** was truly agreed to and finally passed by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dusenberg	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman

NOES: 008

Davis	Dethrow	Dugger	Ervin	Guernsey
Sater	Schad	Self		

PRESENT: 000

ABSENT WITH LEAVE: 019

Brown 50	Corcoran	Flanigan	Hughes	Jones 89
Jones 117	LeBlanc	Low	McNary	Meiners
Nasheed	Roorda	Salva	Smith 150	Spreng
Stevenson	Tilley	Vogt	Mr Speaker	

VACANCIES: 001

Representative Nieves declared the bill passed.

**HCS HB 1977, with Senate Amendment No. 1 and Senate Amendment No. 2**, relating to emergency services, was taken up by Representative Wasson.

Representative Wasson moved that the House refuse to concur in **Senate Amendment No. 1** and **Senate Amendment No. 2** to **HCS HB 1977**, and request the Senate to recede from their position and take up and pass **HCS HB 1977**.

Which motion was adopted.

**SS SCS HB 2317, as amended**, relating to conveyances of state property, was taken up by Representative Tracy.

On motion of Representative Tracy, **SS SCS HB 2317, as amended**, was adopted by the following vote:

AYES: 086

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Calloway	Carter	Conway	Cox	Cunningham
Day	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dusenberg	Faith	Fischer 107	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Keeney	Kingery	Koenig	Kratky	Kraus
Lair	Largent	Leara	Liese	Lipke
McGhee	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Pace	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schlottach	Schoeller
Self	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Walsh	Walton Gray
Wasson	Weter	Wilson 130	Witte	Wright
Zerr				

NOES: 061

Biermann	Bringer	Brown 50	Burnett	Casey
Chappelle-Nadal	Colona	Curls	Davis	Deeken
Dethrow	Dugger	Emery	Englund	Ervin
Fallert	Frame	Grisamore	Harris	Hodges
Holsman	Hoskins 80	Hummel	Jones 63	Jones 89
Kander	Kelly	Kirkton	Komo	Kuessner
Lampe	LeVota	Loehner	Low	McClanahan
McDonald	McNeil	Meadows	Morris	Newman
Norr	Oxford	Parson	Pollock	Roorda
Schad	Schieffer	Schoemehl	Schupp	Shively
Silvey	Skaggs	Still	Talboy	Wallace
Webber	Wells	Whitehead	Wilson 119	Yaeger
Zimmerman				

PRESENT: 000

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ABSENT WITH LEAVE: 015

Cooper	Corcoran	Flanigan	Hughes	Jones 117
LeBlanc	McNary	Meiners	Parkinson	Salva
Scharnhorst	Spreng	Vogt	Webb	Mr Speaker

VACANCIES: 001

On motion of Representative Tracy, **SS SCS HB 2317, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 091

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Brown 30	Brown 149	Bruns	Burlison
Calloway	Carter	Conway	Cox	Cunningham
Day	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dusenberg	Ervin	Faith	Fischer 107
Fisher 125	Flook	Franz	Funderburk	Gatschenberger
Grill	Guernsey	Guest	Hoskins 121	Icet
Keeney	Kelly	Kingery	Koenig	Kratky
Kraus	Lair	Largent	Leara	Liese
Lipke	McGhee	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Pace	Parkinson	Parson
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schlottach	Schoeller	Self	Shively	Smith 14
Smith 150	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Weter	Wilson 119	Wilson 130	Witte	Wright
Zerr				

NOES: 054

Biermann	Bringer	Brown 50	Burnett	Casey
Chappelle-Nadal	Colona	Curls	Davis	Deeken
Dethrow	Dugger	Emery	Englund	Fallert
Frame	Grisamore	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Jones 89
Kirkton	Komo	Kuessner	Lampe	LeVota
Loehner	Low	McClanahan	McDonald	McNeil
Meadows	Morris	Newman	Norr	Oxford
Pollock	Roorda	Schad	Schieffer	Schoemehl
Schupp	Silvey	Skaggs	Still	Talboy
Wells	Whitehead	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 017

Cooper	Corcoran	Flanigan	Hobbs	Jones 117
Kander	LeBlanc	McNary	Meiners	Nolte
Salva	Scharnhorst	Spreng	Vogt	Webb
Webber	Mr Speaker			

VACANCIES: 001

Representative Nieves declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 059

Allen	Bivins	Brandom	Brown 30	Brown 149
Burlison	Cox	Cunningham	Day	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Guernsey
Guest	Hoskins 121	Ice	Keeney	Kingery
Lair	Largent	Leira	Lipke	McGhee
Molendorp	Nance	Parkinson	Parson	Riddle
Ruestman	Ruzicka	Sander	Schaaf	Schlottach
Schoeller	Self	Smith 14	Stevenson	Stream
Sutherland	Swinger	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Weter	Wilson 119
Wilson 130	Witte	Wright	Zerr	

NOES: 088

Atkins	Aull	Ayres	Biermann	Bringer
Brown 50	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Curls	Davis	Deeken	Dethrow	Dugger
Dusenberry	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Frame	Grill	Grisamore
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Jones 89	Kander	Kelly
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lampe	LeVota	Liese	Loehner
Low	McClanahan	McDonald	McNeil	Meadows
Morris	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Pollock	Pratt	Quinn
Roorda	Rucker	Sater	Scavuzzo	Schad
Schieffer	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 150	Still	Storch	Talboy
Todd	Walsh	Walton Gray	Webber	Wells
Whitehead	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 015

Corcoran	Flanigan	Hobbs	Jones 117	LeBlanc
McNary	Meiners	Munzlinger	Nolte	Salva
Scharnhorst	Spreng	Vogt	Webb	Mr Speaker

VACANCIES: 001

**SS SCS HCS HBs 1695, 1742 & 1674, as amended**, relating to driving while intoxicated, was taken up by Representative Stevenson.

On motion of Representative Stevenson, **SS SCS HCS HBs 1695, 1742 & 1674, as amended**, was adopted by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burnett	Calloway	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Burlison	Chappelle-Nadal	Emery	Flanigan	LeBlanc
McNary	Salva	Spreng	Sutherland	Vogt
Webb				

VACANCIES: 001

On motion of Representative Stevenson, **SS SCS HCS HBs 1695, 1742 & 1674, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 152

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yager	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 30	Chappelle-Nadal	Emery	Flanigan	LeBlanc
McNary	Salva	Spreng	Vogt	Webb

VACANCIES: 001

Representative Nieves declared the bill passed.

**SCS HB 1392**, relating to a property tax rate, was taken up by Representative Kirkton.

On motion of Representative Kirkton, **SCS HB 1392** was adopted by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Iceet	Jones 63	Jones 117	Kander
Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meadows	Meiners	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	

NOES: 000

PRESENT: 001

Leara

ABSENT WITH LEAVE: 017

Calloway	Chappelle-Nadal	Emery	Flanigan	Hobbs
Jones 89	Kelly	LeBlanc	McNary	Molendorp
Nolte	Salva	Schad	Spreng	Vogt
Webb	Mr Speaker			

VACANCIES: 001

On motion of Representative Kirkton, **SCS HB 1392** was truly agreed to and finally passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 001

Leara

ABSENT WITH LEAVE: 017

Chappelle-Nadal	Emery	Flanigan	Hobbs	Hughes
Jones 89	LeBlanc	McNary	Meiners	Molendorp
Nolte	Salva	Schad	Spreng	Stevenson
Vogt	Webb			

VACANCIES: 001

Representative Nieves declared the bill passed.

Speaker Richard resumed the Chair.



## RE-APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker re-appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

**HCS SCS SB 754:** Representatives Wasson, Day, Wells, Dougherty and Webb

**HCS#2 SB 844:** Representatives Jones (89), Tilley, Nieves, Nasheed and Hoskins (80)

## APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like Committee from the Senate on the following bill:

**HCS#2 SCS SB 778:** Representatives McGhee, Jones (117), Largent, Quinn and Todd

Representative Nieves resumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

## HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HB 1892**, relating to student work certificates, was taken up by Representative Nasheed.

On motion of Representative Nasheed, **SCS HB 1892** was adopted by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meadows	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson

Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 003

Frame	Skaggs	Wallace
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PRESENT: 000

ABSENT WITH LEAVE: 014

Denison	Flanigan	Jones 89	LeBlanc	LeVota
McNary	Meiners	Molendorp	Salva	Schad
Spreng	Vogt	Webb	Wilson 130	

VACANCIES: 001

On motion of Representative Nasheed, **SCS HB 1892** was truly agreed to and finally passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Dethrow	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meadows	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	

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NOES: 004

Burnett	Frame	Skaggs	Wallace
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PRESENT: 000

ABSENT WITH LEAVE: 014

Denison	Dieckhaus	Flanigan	Hobbs	Jones 89
LeBlanc	LeVota	McNary	Meiners	Molendorp
Spreng	Vogt	Webb	Mr Speaker	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**SS HCS HB 1848**, relating to an urban farming task force, was taken up by Representative Holsman.

On motion of Representative Holsman, **SS HCS HB 1848** was adopted by the following vote:

AYES: 122

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Bruns	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Cox	Cunningham	Curls
Day	Deeken	Diehl	Dixon	Dougherty
Englund	Faith	Fallert	Fischer 107	Frame
Franz	Funderburk	Gatschenberger	Grill	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNeil	Meadows	Morris	Munzlinger	Nance
Nasheed	Newman	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Quinn	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Still	Storch	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Wallace
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 020

Brown 30	Brown 149	Burlison	Cooper	Davis
Dethrow	Dugger	Dusenberg	Ervin	Grisamore

Koenig	Kraus	Lair	Nieves	Pratt
Riddle	Tracy	Walsh	Wilson 119	Wilson 130

PRESENT: 002

Ayres	Low
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ABSENT WITH LEAVE: 018

Denison	Dieckhaus	Emery	Fisher 125	Flanigan
Flook	Jones 89	LeBlanc	McNary	Meiners
Molendorp	Nolte	Scharnhorst	Spreng	Stevenson
Stream	Vogt	Webb		

VACANCIES: 001

On motion of Representative Holsman, **SS HCS HB 1848** was truly agreed to and finally passed by the following vote:

AYES: 115

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Bruns	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Cox	Cunningham	Curls	Day
Deeken	Dieckhaus	Diehl	Dixon	Dougherty
Englund	Faith	Fallert	Fischer 107	Fisher 125
Frame	Franz	Funderburk	Gatschenberger	Grill
Guest	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kuessner	Lampe
Leara	LeVota	Liese	Loehner	McClanahan
McDonald	McGhee	McNeil	Meadows	Morris
Munzlinger	Nance	Nasheed	Newman	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Quinn	Roorda	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Wallace	Walton Gray
Wasson	Webber	Weter	Whitehead	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 026

Brown 30	Brown 149	Burlison	Cooper	Davis
Dethrow	Dugger	Dusenberger	Ervin	Flook
Grisamore	Guernsey	Koenig	Kraus	Lair
Lipke	Nieves	Pratt	Riddle	Schaaf
Schad	Scharnhorst	Walsh	Wells	Wilson 119
Wilson 130				

## 1856 *Journal of the House*

PRESENT: 002

Ayres                      Low

ABSENT WITH LEAVE: 019

Corcoran	Denison	Emery	Flanigan	Hobbs
Jones 89	Largent	LeBlanc	McNary	Meiners
Molendorp	Nolte	Rucker	Salva	Spreng
Stevenson	Tracy	Vogt	Webb	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**SCS HCS HB 1831**, relating to school district property, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **SCS HCS HB 1831** was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Dethrow	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Thomson	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Zimmerman		

NOES: 006

Bringer	Burnett	Hughes	Skaggs	Talboy
Witte				

PRESENT: 000

ABSENT WITH LEAVE: 018

Denison	Dieckhaus	Emery	Flanigan	Hobbs
Jones 89	LeBlanc	McNary	Meiners	Molendorp
Nolte	Spreng	Stevenson	Tilley	Tracy
Vogt	Webb	Mr Speaker		

VACANCIES: 001

On motion of Representative Jones (117), **SCS HCS HB 1831** was truly agreed to and finally passed by the following vote:

AYES: 132

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meadows	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Viebrock
Wallace	Walsh	Walton Gray	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Yaeger
Zerr	Zimmerman			

NOES: 006

Bringer	Hughes	LeVota	Skaggs	Talboy
Witte				

## 1858 *Journal of the House*

PRESENT: 000

ABSENT WITH LEAVE: 024

Burnett	Corcoran	Cunningham	Denison	Emery
Flanigan	Hobbs	Jones 89	Kelly	Kraus
LeBlanc	McNary	Meiners	Molendorp	Nolte
Salva	Spreng	Stevenson	Tracy	Vogt
Wasson	Webb	Wright	Mr Speaker	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCS#2 HB 1472, with Senate Amendment No. 1**, relating to controlled substances, was taken up by Representative Franz.

On motion of Representative Franz, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 138

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNeil	Meadows	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 008

Burnett	Colona	Holsman	Hughes	Low
Oxford	Quinn	Talboy		

PRESENT: 000

ABSENT WITH LEAVE: 016

Cooper	Corcoran	Denison	Flanigan	Hobbs
LeBlanc	McNary	Meiners	Molendorp	Nolte
Scharnhorst	Spreng	Stevenson	Tracy	Vogt
Webb				

VACANCIES: 001

On motion of Representative Franz, **HCS#2 HB 1472, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Huest	Harris	Hodges	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNeil	Meadows	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Seavuzzo	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 007

Burnett	Colona	Holsman	Hughes	Low
Oxford	Talboy			

PRESENT: 000



## 1860 *Journal of the House*

ABSENT WITH LEAVE: 015

Cooper	Corcoran	Denison	Flanigan	Hobbs
Kelly	LeBlanc	McNary	Meiners	Nolte
Scharnhorst	Spreng	Tracy	Vogt	Webb

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 101

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Casey	Cooper	Cox	Cunningham
Day	Deeken	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hoskins 121	Ice	Jones 117	Kander	Keeney
Kingery	Koenig	Komo	Kraus	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McGhee	Meadows	Molendorp	Munzlinger
Nance	Norr	Parkinson	Pratt	Quinn
Riddle	Roorda	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Viebrock	Wallace	Wasson	Wells
Wilson 119	Wilson 130	Witte	Wright	Zerr
Mr Speaker				

NOES: 049

Atkins	Brown 50	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Conway	Curls	Davis
Dougherty	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Jones 89	Kelly	Kirkton
Kratky	Kuessner	LeVota	Low	McClanahan
McDonald	McNeil	Morris	Nasheed	Newman
Nieves	Oxford	Pace	Parson	Pollock
Rucker	Sander	Schoemehl	Schupp	Skaggs
Still	Talboy	Walsh	Walton Gray	Webber
Weter	Whitehead	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 012

Corcoran	Denison	Flanigan	Hobbs	LeBlanc
McNary	Meiners	Nolte	Spreng	Tracy
Vogt	Webb			

VACANCIES: 001

**HCS HBs 2262 & 2264, with Senate Amendment No. 1**, relating to the Missouri Youth Challenge Academy, was taken up by Representative Day.

On motion of Representative Day, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 002

Burnett	Skaggs
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PRESENT: 000

## 1862 *Journal of the House*

ABSENT WITH LEAVE: 016

Colona	Corcoran	Denison	Flanigan	Hughes
LeBlanc	McGhee	McNary	Meiners	Nolte
Spreng	Stevenson	Tracy	Vogt	Wallace
Webb				

VACANCIES: 001

On motion of Representative Day, **HCS HB 2262 & 2264, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Carter	Casey	Chappelle-Nadal
Conway	Cox	Cunningham	Curls	Davis
Day	Deeken	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Frame	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kingery
Kirkton	Koenig	Komo	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Loehner	Low	McClanahan	McDonald
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Still	Storch
Stream	Swinger	Talboy	Thomson	Tilley
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 003

Burnett	Grisamore	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 026

Brown 30	Calloway	Colona	Cooper	Corcoran
Denison	Flanigan	Flook	Franz	Hoskins 80
Hughes	Kelly	Kratky	LeBlanc	Lipke

McGhee	McNary	Meiners	Nolte	Ruestman
Sprenge	Stevenson	Sutherland	Tracy	Vogt
Webb				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Conway	Cox	Cunningham	Davis
Day	Deeken	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberger	Emery
Englund	Ervin	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Loehner	Low	McClanahan	McDonald	McNeil
Meadows	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Wallace	Walsh
Walton Gray	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 002

Burnett	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 022

Brown 30	Colona	Cooper	Corcoran	Curls
Denison	Faith	Flanigan	Hobbs	Hughes
LeBlanc	Lipke	McGhee	McNary	Meiners
Nolte	Ruestman	Sprenge	Tracy	Vogt
Wasson	Webb			

VACANCIES: 001

**SCS HCS HB 1516**, relating to repeal of expired statutes, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **SCS HCS HB 1516** was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Conway	Cooper
Cox	Cunningham	Curls	Davis	Day
Deeken	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Still	Stream	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Wallace	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 001

Colona

PRESENT: 000

ABSENT WITH LEAVE: 018

Corcoran	Denison	Flanigan	Franz	Hobbs
Hughes	LeBlanc	McNary	Meiners	Sander
Spreng	Stevenson	Storch	Sutherland	Tracy
Vogt	Walsh	Webb		

VACANCIES: 001

On motion of Representative Smith (150), **SCS HCS HB 1516** was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meadows	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Swinger	Talboy	Thomson	Tilley
Todd	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 001

Colona

PRESENT: 000

ABSENT WITH LEAVE: 018

Atkins	Corcoran	Denison	Flanigan	Franz
Hoskins 121	Hughes	LeBlanc	McNary	Meiners
Nasheed	Sander	Schad	Spreng	Sutherland
Tracy	Vogt	Webb		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SBs 586 & 617** and has taken up and passed **HCS SS SCS SBs 586 & 617**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS SB 616 with HA 1, HA 2, HA 3 & HA 4**: Senators Goodman, Rupp, Schmitt, Justus and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS#2 SCS SB 788**: Senators Pearce, Crowell, Griesheimer, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SB 1007, as amended**: Senators Dempsey, Schmitt, Crowell, Justus and Callahan.

### RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

**HB 1534** - Health Care Policy

### COMMITTEE REPORT

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SBs 812, 752 & 909**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### RECESS

On motion of Representative Tilley, the House recessed pending the distribution of conference committee reports or 2:00 a.m., whichever is sooner, and then stand adjourned until 9:15 a.m., Friday, May 14, 2010.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE NO. 2  
FOR  
HOUSE BILL NO. 1268**

The Conference Committee appointed on Senate Substitute No. 2 for House Bill No. 1268, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for House Bill No. 1268, as amended;
2. That the House recede from its position on House Bill No. 1268;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for House Bill No. 1268, be Third Read and Finally Passed.

FOR THE HOUSE :

/s/ Kate Meiners  
/s/ Jerry Nolte  
/s/ Sue Allen  
/s/ Anne Zerr

FOR THE SENATE:

/s/ Jolie L. Justus  
/s/ Rita Heard Days  
/s/ David Pearce  
/s/ Brad Lager

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE NO. 2  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2  
FOR  
HOUSE BILL NO. 1543**

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, with Senate Amendment No. 1, Senate Amendment No. 4, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, as amended;
2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 1543;



3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Maynard Wallace  
/s/ Rodney Schad  
/s/ Rick Stream  
/s/ Sara Lampe  
/s/ Rachel Bringer

FOR THE SENATE:

/s/ David Pearce  
/s/ Charlie Shields  
/s/ Scott Rupp  
/s/ Rita Heard Days  
/s/ Yvonne S. Wilson

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1868**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1868, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, Senate Amendment Nos. 2, 3, 5, 6, 7, 8, 9, Senate Amendment No. 1 to Senate Amendment No. 10, Senate Amendment No. 10, as amended, and Senate Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1868, as amended;
2. That the House recede from its position on House Bill No. 1868;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1868, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dwight Scharnhorst  
/s/ Mark Bruns  
/s/ Denny Hoskins  
/s/ Jeff Roorda  
/s/ Hope Whitehead

FOR THE SENATE:

/s/ Kurt Schaefer  
/s/ Jason Crowell  
/s/ Joan Bray  
/s/ Timothy P. Green

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2070**

The Conference Committee appointed on House Committee Substitute for House Bill No. 2070, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill No. 2070, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2070;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 2070, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Chris Kelly  
/s/ Mark Bruns  
/s/ Steve Hobbs  
/s/ Jay Wasson  
/s/ Paul Quinn

FOR THE SENATE:

/s/ Kurt Schaefer  
/s/ James W. Lembke  
/s/ David Pearce  
/s/ Joan Bray  
/s/ Wes Shoemyer

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 605**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, with House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 1 to House Amendment No. 9, and House Amendment No. 9, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 605;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Jason Crowell  
/s/ Carl Vogel  
/s/ Wes Shoemyer  
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Bryan Stevenson  
/s/ Tim Jones  
/s/ Jason Brown  
/s/ J.C. Kuessner  
/s/ Paul Quinn

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 741**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 741, with House Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 741, as amended;
2. The Senate recede from its position on Senate Bill No. 741;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 741, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Griesheimer  
/s/ Tom Dempsey  
/s/ David Pearce  
/s/ Wes Shoemyer  
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Tony Dugger  
/s/ Jason Smith  
/s/ Bill Deeken  
/s/ Pat Conway  
/s/ Michael Frame

**CONFERENCE COMMITTEE REPORT NO. 2  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 754**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, with House Amendment Nos 1, 2, 3, 4, 5, 6, 7, 8, and House Substitute Amendment No. 1 for House Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 754,;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 754, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Tom Dempsey  
/s/ Delbert Scott  
/s/ David Pearce  
/s/ Jolie Justus  
/s/ Victor Callahan

FOR THE HOUSE:

/s/ David Day  
/s/ Donald Wells  
/s/ Jay Wasson  
/s/ Curt Dougherty  
/s/ Steve Webb

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE NO. 2  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 778**

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 778;

3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce  
/s/ Jason Crowell  
/s/ John Griesheimer  
/s/ Jolie Justus  
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Mike McGhee  
/s/ Kenny Jones  
/s/ Paul Quinn  
/s/ Tom Todd

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 791**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 791, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 791, as amended;

2. The Senate recede from its position on Senate Bill No. 791;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 791, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Griesheimer  
/s/ Brad Lager  
/s/ Tom Dempsey  
/s/ Victor Callahan

FOR THE HOUSE :

/s/ Ed Emery  
/s/ Darrell Pollock  
/s/ Jeanie Riddle  
/s/ Gina Walsh  
/s/ Jake Zimmerman

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 795**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795, with House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, and House Substitute Amendment No. 1 for House Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 795, as amended;
2. The Senate recede from its position on Senate Bill No 795;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 795, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Robert Mayer  
/s/ Dan Clemens  
/s/ Frank A. Barnitz  
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Tom Loehner  
/s/ Charlie Schlottach  
/s/ Brian Munzlinger  
/s/ Belinda Harris  
/s/ Tom Shively

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 808**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, with House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendment Nos. 5, 6, 7, 8, 9, 10, 11, 12, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 13 as amended, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14 as amended, House Amendment Nos. 15, 16, 17, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18 as amended, House Amendment Nos. 19, 20, House Substitute Amendment No. 1 to House Amendment No. 21, House Amendment No. 1 to House Amendment No. 22, House Amendment No. 22 as amended, House Amendment Nos. 23, 24, 25, 26, 27, 28, 29,

30, 31, 32 and 33, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 808;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Victor Callahan  
/s/ Timothy Green  
/s/ John Griesheimer  
/s/ Tom Dempsey  
/s/ Jason Crowell

FOR THE HOUSE:

/s/ Michael Sutherland  
/s/ Jerry Nolte  
/s/ Steve Hobbs  
/s/ Trent Skaggs

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 829**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 829;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer  
/s/ Eric Schmitt  
/s/ David Pearce  
/s/ Ryan McKenna  
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Scott Lipke  
/s/ Steve Hobbs  
/s/ Shelley Keeney  
/s/ James Morris  
/s/ Chris Kelly

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NOS. 842, 799 & 809**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 4 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment Nos. 3, 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Eric Schmitt  
/s/ Jason Crowell  
/s/ Tom Dempsey  
/s/ Victor Callahan  
/s/ Jolie Justus

FOR THE HOUSE:

/s/ Rick Stream  
/s/ David Sater  
/s/ Tim Jones  
/s/ Rebecca McClanahan  
/s/ Tom McDonald



**CONFERENCE COMMITTEE REPORT NO. 3  
ON  
HOUSE COMMITTEE SUBSTITUTE NO. 2  
FOR  
SENATE BILL NO. 844**

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Bill No. 844, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Bill No. 844;
2. The Senate recede from its position on Senate Bill No. 844;
3. That the attached Conference Committee Substitute No. 3 for House Committee Substitute No. 2 for Senate Bill No. 844, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields  
/s/ Carl Vogel  
/s/ Timothy Green  
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Tim Jones  
/s/ Steven Tilley  
/s/ Brian Nieves  
/s/ Jamilah Nasheed  
/s/ Theodore Hoskins

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 981**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 981, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7 as amended, House Amendment No. 1 to House Amendment No. 8 and House Amendment No. 8 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 981, as amended;
2. The Senate recede from its position on Senate Bill No. 981;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 981, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Victor Callahan  
/s/ Timothy Green  
/s/ John Griesheimer  
/s/ Tom Dempsey  
/s/ Jason Crowell

FOR THE HOUSE:

/s/ Michael Sutherland  
/s/ Steve Hobbs  
/s/ Bob Nance  
/s/ Chris Kelly  
/s/ Sam Komo

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 1007**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 1007, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 1007, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 1007;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1007, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Tom Dempsey  
/s/ Eric Schmitt  
/s/ Jason Crowell  
/s/ Jolie Justus  
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Wayne Cooper  
/s/ David Sater  
/s/ Ellen Brandom  
/s/ Rebecca McClanahan  
/s/ Tishaura Jones

**ADJOURNMENT**

Pursuant to the motion of Representative Tilley, the House adjourned until 9:15 a.m., Friday, May 14, 2010.

**HOUSE CALENDAR**

SEVENTY-FIRST DAY, FRIDAY, MAY 14, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace
- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis
- 23 HB 2255 - Jones (89)

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

## HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 67, (4-29-10, Pages 1179-1182) - Sutherland
- 2 HCR 79, (4-27-10, Pages 1097-1098) - Webb

## SENATE BILLS FOR THIRD READING

- 1 HCS SB 686, E.C. - Sutherland
- 2 HCS SS SCS SB 920 - Stevenson
- 3 SS SCS SB 793 - Pratt
- 4 HCS SB 894 - Wilson (130)
- 5 SB 900 - Wilson (130)
- 6 HCS SS SB 943, E.C. - Wallace
- 7 SS SCS SB 884, E.C. - Diehl
- 8 HCS SCS SBs 812, 752 & 909 - Dixon

## HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 1336, SA 1 - Brandom
- 2 SCS HCS HB 1903, E.C. - Icet
- 3 SS HB 1713, (Fiscal Review 5-5-10) - Sander
- 4 SCS HCS HB 1858 - Zimmerman
- 5 HCR 38, SCA 1 - Icet
- 6 HB 1894, SA 1, SA 2 - Bringer
- 7 SS HCS HB 2357, as amended - Smith (150)
- 8 SCS HB 1444 - Jones (89)
- 9 SCS HCS HB 1375 - Cooper
- 10 SS#2 HCS HB 1893 - Kelly
- 11 HCR 46, SA 1 - Funderburk
- 12 SCS HB 2285, as amended, E.C. - Thomson
- 13 SS SCS HCS HB 2058 - Diehl

## BILLS CARRYING REQUEST MESSAGES

HCS HB 1977, SA1, SA2 (request Senate recede/take up and pass bill) - Wasson

## BILLS IN CONFERENCE

- 1 CCR HCS SS SCS SB 605, as amended, E.C. - Stevenson
- 2 CCR HCS SB 795, as amended, E.C. - Loehner
- 3 CCR SS#2 HB 1268, as amended - Meiners
- 4 SCS HB 1677, E.C. - Hoskins (80)
- 5 HB 1691, SA 1, SA 2 - Kraus
- 6 CCR HCS SCS SBs 842, 799 & 809, as amended, E.C. - Stream
- 7 CCR SCS HB 1868, as amended, E.C. - Scharnhorst
- 8 CCR HCS SB 791, as amended - Emery
- 9 CCR HCS SB 981, as amended - Sutherland

- 10 CCR HCS HB 2070, SA1 - Kelly
- 11 CCR HCS SB 741, as amended - Dugger
- 12 CCR SS#2 SCS HCS#2 HB 1543, as amended, E.C. - Wallace
- 13 CCR#3 HCS#2 SB 844 - Jones (89)
- 14 CCR#2 HCS SCS SB 754, as amended - Wasson
- 15 SCS SB 616, HA 1, HA2, HA 3, HA 4 - Wasson
- 16 CCR HCS SS SB 1007, as amended - Cooper
- 17 CCR HCS SCS SB 808, as amended - Sutherland
- 18 CCR HCS SCS SB 829, as amended, E.C. - Lipke
- 19 CCR HCS#2 SCS SB 778 - McGhee
- 20 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811, as amended - Stevenson

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SEVENTY-FIRST DAY, FRIDAY, MAY 14, 2010

The House met pursuant to adjournment.

Representative Parson in the Chair.

Prayer by Pastor Kent Parson, Elkton Baptist Church, Flemington, Missouri.

Our Heavenly Father, thank You for the blessings of this day. The Psalmist wrote "This is the day which the Lord hath made, we will rejoice and be glad in it." As the gavel falls on this last day of the Second Regular Session of the 95<sup>th</sup> General Assembly, may each of these ladies and gentlemen feel a sense of accomplishment for their endeavors. Allow them to appreciate the opportunity which has been theirs to serve their fellow constituents and may they measure their successes, not by how many bills they have passed, but by how much they have improved the quality of life for each Missourian.

For those who will be leaving this Body for their last time, grant them a special blessing for their dedication and commitment. Bless all those who execute the administrative duties of this Body. We pray today, as always, for those who are serving in the military and ask Your Divine providence to be over each of them and their families.

For the decisions which still must be made today, grant each member of this astute Body the wisdom of a Solomon and enable them to stay true to their convictions and to continue to represent the wishes of their respective communities.

Thank You for the privilege of being one of Your children and for the opportunity to lead this Great Body to the throne of grace. These blessings we ask in the name of Your only begotten Son and our Saviour, Jesus Christ. Amen.

Speaker Richard assumed the Chair.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Camille Evanya Alise Hibbler, Kaelyn Allen, Ryan Viebrock, Cody Viebrock, Zachary Miller, Kelly Snader and Vinca Thornton.

The Journal of the seventieth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3371 through House Resolution No. 3383

## BILLS IN CONFERENCE

**CCR HCS HB 2070, with Senate Amendment No. 1**, relating to emergency dispatching services, was taken up by Representative Kelly.

On motion of Representative Kelly, **CCR HCS HB 2070, with Senate Amendment No. 1** was adopted by the following vote:

AYES: 133

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McDonald	McGhee	McNeil
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Viebrock
Wallace	Walton Gray	Webb	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 002

Atkins	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 027

Brown 50	Calloway	Carter	Corcoran	Dieckhaus
Dougherty	Flanigan	Flook	Hobbs	Hughes
Jones 89	Koenig	McClanahan	McNary	Meadows
Riddle	Roorda	Rucker	Salva	Schad
Spreng	Storch	Tracy	Vogt	Walsh
Wasson	Webber			

VACANCIES: 001

On motion of Representative Kelly, **CCS HCS HB 2070** was read the third time and passed by the following vote:

AYES: 142

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 150	Spreng
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 002

Atkins Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 018

Brown 50	Calloway	Carter	Corcoran	Diehl
Dougherty	Flanigan	Flook	Hughes	Jones 63
Jones 89	Leara	McNary	Rucker	Salva
Smith 14	Stevenson	Webber		

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR SS#2 SCS HCS#2 HB 1543, as amended**, relating to elementary and secondary education, was taken up by Representative Wallace.



1884 *Journal of the House*

On motion of Representative Wallace, **CCR SS#2 SCS HCS#2 HB 1543, as amended**, was adopted by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Englund
Faith	Fallert	Fischer 107	Fisher 125	Frame
Franz	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 008

Burlison	Burnett	Ervin	Funderburk	Oxford
Spreng	Talboy	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 50	Calloway	Carter	Cooper	Corcoran
Dougherty	Flanigan	Flook	Hughes	Jones 63
LeBlanc	McNary	Rucker	Salva	

VACANCIES: 001

On motion of Representative Wallace, **CCS SS#2 SCS HCS#2 HB 1543** was read the third time and passed by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Frame	Franz	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 008

Burlison	Burnett	Davis	Ervin	Funderburk
Oxford	Talboy	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Calloway	Carter	Corcoran	Flanigan
Flook	Hughes	LeBlanc	McNary	Salva
Wasson				

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 149
Bruns	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Ice	Jones 63	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Schieffer
Schlottach	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 007

Burlison	Burnett	Davis	Ervin	Funderburk
Jones 89	Schoeller			

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 50	Calloway	Carter	Corcoran	Flanigan
Hughes	LeBlanc	McNary	Salva	Scharnhorst

VACANCIES: 001

### THIRD READING OF SENATE BILLS

**SS SCS SB 793**, relating to abortion, was taken up by Representative Pratt.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 065

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Casey	Chappelle-Nadal	Colona	Conway
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meiners	Morris	Newman	Norr
Oxford	Pace	Quinn	Roorda	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 30	Brown 50	Carter	Corcoran	Diehl
Flanigan	Hughes	LeBlanc	Meadows	Rucker
Salva	Self	Wallace		

VACANCIES: 001

On motion of Representative Pratt, **SS SCS SB 793** was truly agreed to and finally passed by the following vote:

AYES: 114

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Casey	Conway	Cooper	Cox

## 1888 *Journal of the House*

Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Hummel
Iceet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kratky	Kraus	Kuessner	Lair
Largent	Leara	Liese	Lipke	Loehner
McGhee	McNary	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 039

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Curls	Dougherty	Englund	Frame	Holsman
Hoskins 80	Jones 63	Kander	Kelly	Kirkton
Komo	Lampe	LeVota	Low	McClanahan
McDonald	McNeil	Morris	Newman	Norr
Oxford	Pace	Schupp	Skaggs	Spreng
Still	Storch	Talboy	Vogt	Walton Gray
Webb	Webber	Whitehead	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Carter	Corcoran	Flanigan	Hughes
LeBlanc	Roorda	Salva	Wallace	

VACANCIES: 001

Speaker Richard declared the bill passed.

**SS SCS SB 884**, relating to tobacco regulations, was taken up by Representative Diehl.

Speaker Pro Tem Pratt assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 065

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Casey	Chappelle-Nadal	Colona	Curls
Dougherty	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Newman	Norr
Oxford	Pace	Quinn	Roorda	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Bruns	Carter	Conway	Corcoran
Flanigan	Jones 63	LeBlanc	Rucker	Self
Talboy				

VACANCIES: 001

## 1890 *Journal of the House*

On motion of Representative Diehl, **SS SCS SB 884** was truly agreed to and finally passed by the following vote:

AYES: 127

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Cox	Cunningham	Curls	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Emery	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Gatschenberger	Grill
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Scavuzzo	Scharnhorst	Schieffer
Schlottach	Schoemehl	Schupp	Shively	Silvey
Smith 14	Stevenson	Still	Storch	Stream
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Weter	Whitehead
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 025

Atkins	Burlison	Cooper	Davis	Dethrow
Dugger	Dusenberg	Ervin	Franz	Funderburk
Grisamore	Hughes	Koenig	Kraus	Pollock
Sander	Sater	Schaaf	Schad	Schoeller
Skaggs	Smith 150	Spreng	Wells	Wilson 119

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 50	Carter	Conway	Corcoran	Flanigan
Jones 63	LeBlanc	Self	Sutherland	Talboy

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parson
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Shively	Silvey	Smith 14	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Webb
Webber	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 024

Atkins	Burlison	Davis	Dethrow	Dugger
Dusenberg	Ervin	Funderburk	Grisamore	Hughes
Koenig	Kraus	Parkinson	Pollock	Sander
Sater	Schad	Schoeller	Skaggs	Smith 150
Spreng	Wasson	Wells	Wilson 119	

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Carter	Corcoran	Flanigan	Franz
LeBlanc	Newman	Self		

VACANCIES: 001

### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HB 1903**, relating to federal budget stabilization fund, was taken up by Representative Icet.

Representative Tilley moved the previous question.



## 1892 *Journal of the House*

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 121	Iceet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 068

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Casey	Chappelle-Nadal	Colona	Conway
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 30	Brown 50	Carter	Corcoran	Deeken
Flanigan	Grisamore	LeBlanc	Salva	Self
Talboy				

VACANCIES: 001

On motion of Representative Iceet, **SCS HCS HB 1903** was adopted by the following vote:

AYES: 151

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls

Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Iceet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman				

NOES: 003

Burnett	Hughes	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 30	Brown 50	Carter	Corcoran	Flanigan
Franz	LeBlanc	Mr Speaker		

VACANCIES: 001

On motion of Representative Iceet, **SCS HCS HB 1903** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 149	Bruns
Burlison	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Iceet

## 1894 *Journal of the House*

Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 003

Burnett	Hughes	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 30	Brown 50	Carter	Corcoran	Flanigan
Kirkton	LeBlanc	Salva	Stevenson	Wasson

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Atkins	Aull	Ayes	Biermann	Bivins
Brandom	Bringer	Brown 149	Bruns	Burlison
Calloway	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte

Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Swinger	Talboy
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 002

Burnett                      Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Brown 30	Brown 50	Carter	Corcoran
Dougherty	Flanigan	Hughes	LeBlanc	Salva
Self	Sutherland	Thomson		

VACANCIES: 001

**HCR 38, with Senate Committee Amendment No. 1**, relating to unfunded mandates, was taken up by Representative Icet.

On motion of Representative Icet, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 130

Allen	Aull	Ayres	Biermann	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Ice	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Silvey	Smith 14	Smith 150

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Spreng	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 023

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Curls	Hoskins 80	Hughes	Hummel	Jones 63
LeVota	Low	Morris	Newman	Oxford
Pace	Skaggs	Still	Talboy	Vogt
Walton Gray	Webb	Whitehead		

PRESENT: 000

ABSENT WITH LEAVE: 009

Bivins	Brown 50	Carter	Corcoran	Dougherty
Flanigan	LeBlanc	Salva	Self	

VACANCIES: 001

On motion of Representative Icet, **HCR 38, as amended**, was adopted by the following vote:

AYES: 130

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Casey	Conway	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schupp	Shively	Silvey	Smith 14	Smith 150
Spreng	Stevenson	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 023

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Curls	Hoskins 80	Hughes	Hummel	Jones 63
LeVota	Low	Morris	Newman	Oxford
Pace	Skaggs	Still	Talboy	Vogt
Walton Gray	Webb	Whitehead		

PRESENT: 000

ABSENT WITH LEAVE: 009

Aull	Carter	Corcoran	Flanigan	LeBlanc
Salva	Schlottach	Schoemehl	Self	

VACANCIES: 001

**SCS HCS HB 1858**, relating to environmental literacy scholarships, was taken up by Representative Zimmerman.

On motion of Representative Zimmerman, **SCS HCS HB 1858** was adopted by the following vote:

AYES: 138

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	Englund
Faith	Fallert	Fischer 107	Fisher 125	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parson
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Yaeger	Zerr	Zimmerman		

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NOES: 012

Burnett	Davis	Dethrow	Dugger	Emery
Ervin	Flook	Guernsey	Pollock	Sater
Stevenson	Tracy			

PRESENT: 000

ABSENT WITH LEAVE: 012

Aull	Carter	Corcoran	Flanigan	Hughes
LeBlanc	Parkinson	Salva	Talboy	Wasson
Wright	Mr Speaker			

VACANCIES: 001

On motion of Representative Zimmerman, **SCS HCS HB 1858** was truly agreed to and finally passed by the following vote:

AYES: 135

Allen	Atkins	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Bruns
Burlison	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dusenberg	Englund	Faith	Fallert	Fischer 107
Fisher 125	Funderburk	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 012

Brown 149	Burnett	Davis	Dethrow	Dugger
Ervin	Flook	Guernsey	Pollock	Schaaf
Stevenson	Tracy			

PRESENT: 000

ABSENT WITH LEAVE: 015

Aull	Carter	Corcoran	Cunningham	Curls
Emery	Flanigan	Frame	Franz	Gatschenberger
Hughes	LeBlanc	Parkinson	Salva	Talboy

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HB 1894, with Senate Amendment No. 1 and Senate Amendment No. 2**, relating to overdue patient accounts, was taken up by Representative Bringer.

On motion of Representative Bringer, the House concurred in **Senate Amendment No. 1 and Senate Amendment No. 2** by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Pace	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman		

NOES: 000



## 1900 *Journal of the House*

PRESENT: 000

ABSENT WITH LEAVE: 009

Bruns	Carter	Flanigan	LeBlanc	Parkinson
Salva	Talboy	Thomson	Mr Speaker	

VACANCIES: 001

On motion of Representative Bringer, **HB 1894, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hughes	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Oxford	Pace	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Deeken	Faith	Flanigan	LeBlanc
Parkinson	Salva	Self		

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**SCS HB 1444**, relating to required notice of public meetings, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **SCS HB 1444** was adopted by the following vote:

AYES: 146

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 149	Bruns
Burlison	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Iceet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Vogt	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 010

Bringer	Burnett	Kirkton	Newman	Pace
Skaggs	Talboy	Todd	Walton Gray	Witte

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 50	Carter	Flanigan	LeBlanc	Salva
Self				

VACANCIES: 001

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On motion of Representative Jones (89), **SCS HB 1444** was truly agreed to and finally passed by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Frame	Franz	Funderburk	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Norr	Oxford	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Smith 14	Smith 150	Spreng
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Vogt	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Wright	Yaeger	Zerr	Zimmerman

NOES: 010

Bringer	Burnett	Kirkton	Newman	Pace
Skaggs	Todd	Wallace	Walton Gray	Witte

PRESENT: 000

ABSENT WITH LEAVE: 017

Carter	Flanigan	Flook	Gatschenberger	Hughes
LeBlanc	Low	McClanahan	Nolte	Salva
Self	Stevenson	Still	Swinger	Talboy
Viebrock	Mr Speaker			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**SCS HCS HB 1375**, relating to sexually transmitted diseases, was taken up by Representative Cooper.

On motion of Representative Cooper, **SCS HCS HB 1375** was adopted by the following vote:

AYES: 118

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Deeken	Denison
Diehl	Dixon	Dougherty	Englund	Fallert
Fischer 107	Fisher 125	Frame	Gatschenberger	Grill
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Jones 63
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Nance	Nasheed	Newman	Nolte
Norr	Oxford	Pace	Parson	Quinn
Roorda	Rucker	Ruzicka	Scavuzzo	Schaaf
Schieffer	Schlottach	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Vogt
Walsh	Walton Gray	Wasson	Webb	Webber
Weter	Whitehead	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman		

NOES: 033

Brown 30	Cox	Davis	Dethrow	Dieckhaus
Dugger	Dusenberg	Emery	Ervin	Faith
Flook	Franz	Funderburk	Grisamore	Guernsey
Icet	Koenig	Kraus	Loehner	Munzlinger
Nieves	Parkinson	Pollock	Pratt	Riddle
Sander	Sater	Schad	Schoeller	Tracy
Wells	Wilson 119	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 011

Day	Flanigan	Jones 89	LeBlanc	Ruestman
Salva	Scharnhorst	Self	Smith 150	Spreng
Wallace				

VACANCIES: 001

1904 *Journal of the House*

On motion of Representative Cooper, **SCS HCS HB 1375** was truly agreed to and finally passed by the following vote:

AYES: 120

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cunningham	Curls	Day	Deeken
Denison	Diehl	Dixon	Dougherty	Englund
Fallert	Fischer 107	Fisher 125	Frame	Gatschenberger
Grill	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Nance	Nasheed
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Ruzicka	Sater	Scavuzzo
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoemehl
Schupp	Shively	Silvey	Skaggs	Smith 14
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Weter	Whitehead	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman

NOES: 033

Brown 30	Cox	Davis	Dethrow	Dieckhaus
Dugger	Dusenberg	Emery	Ervin	Faith
Flook	Franz	Funderburk	Grisamore	Guernsey
Icet	Koenig	Kraus	Lochner	Munzlinger
Nieves	Parkinson	Parson	Pollock	Pratt
Riddle	Sander	Schad	Schoeller	Tracy
Wells	Wilson 119	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 009

Flanigan	LeBlanc	Nolte	Ruestman	Salva
Self	Smith 150	Spreng	Wallace	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**SS#2 HCS HB 1893**, relating to gaming funds, was taken up by Representative Kelly.

On motion of Representative Kelly, **SS#2 HCS HB 1893** was adopted by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayes	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper	Flanigan	LeBlanc	Nolte	Salva
Smith 150	Sprenge	Viebrock	Wright	

VACANCIES: 001

On motion of Representative Kelly, **SS#2 HCS HB 1893** was truly agreed to and finally passed by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayes	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway

## 1906 *Journal of the House*

Cooper	Corcoran	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Newman
Nieves	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Davis	Flanigan	LeBlanc	Nolte	Salva
Sater	Smith 150	Spreng	Wallace	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**HCR 46, with Senate Amendment No. 1**, relating to greenhouse gases, was taken up by Representative Funderburk.

Speaker Richard resumed the Chair.

On motion of Representative Funderburk, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 114

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Carter	Casey	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison

Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fischer 107	Fisher 125	Flook	Frame
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Komo	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
McDonald	McGhee	McNary	Meadows	Meiners
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 038

Atkins	Brown 50	Burnett	Calloway	Chappelle-Nadal
Colona	Corcoran	Curls	Fallert	Grill
Holsman	Hoskins 80	Hughes	Hummel	Kander
Kelly	Kirkton	Kratky	LeVota	Low
McNeil	Morris	Newman	Oxford	Pace
Roorda	Schupp	Spreng	Still	Storch
Talboy	Walsh	Walton Gray	Webb	Webber
Whitehead	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Flanigan	Franz	Jones 63	LeBlanc
McClanahan	Molendorp	Salva	Schlottach	Smith 150

VACANCIES: 001

On motion of Representative Funderburk, **HCR 46, as amended**, was adopted by the following vote:

AYES: 113

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Casey	Conway	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Komo	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese



## 1908 *Journal of the House*

Lipke	Loehner	McDonald	McGhee	McNary
Meadows	Meiners	Munzlinger	Nance	Nasheed
Nieves	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Self	Shively	Silvey	Smith 14	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 041

Atkins	Brown 50	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Curls	Fallert	Grill
Holsman	Hoskins 80	Hughes	Hummel	Kander
Kelly	Kirkton	Kratky	LeVota	Low
McClanahan	McNeil	Morris	Newman	Oxford
Pace	Roorda	Schupp	Skaggs	Spreng
Still	Storch	Talboy	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 008

Flanigan	Jones 63	LeBlanc	Molendorp	Nolte
Salva	Schlottach	Smith 150		

VACANCIES: 001

Speaker Pro Tem Pratt resumed the Chair.

**SCS HB 2285, as amended**, relating to a conveyance in Nodaway County, was taken up by Representative Thomson.

On motion of Representative Thomson, **SCS HB 2285, as amended**, was adopted by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig

Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman

NOES: 008

Bringer	Burnett	Colona	Englund	Kuessner
LeVota	Newman	Schad		

PRESENT: 000

ABSENT WITH LEAVE: 009

Flanigan	Jones 63	LeBlanc	McGhee	Nolte
Salva	Talboy	Walsh	Mr Speaker	

VACANCIES: 001

On motion of Representative Thomson, **SCS HB 2285, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Conway	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kingery	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp

## 1910 *Journal of the House*

Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr			

NOES: 014

Bringer	Burnett	Colona	Englund	Frame
Hughes	Kelly	Kirkton	Kuessner	LeVota
Newman	Schad	Spreng	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 30	Cooper	Flanigan	Jones 63	LeBlanc
McGhee	Nolte	Salva	Talboy	Walsh
Mr Speaker				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 090

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 50	Brown 149	Bruns	Burlison
Casey	Conway	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Leara
Liese	Loehner	McNary	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Pace
Parkinson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Scharnhorst	Schlottach	Schoeller	Schoemehl
Self	Skaggs	Smith 14	Smith 150	Stream
Sutherland	Swinger	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wright	Zerr

NOES: 063

Atkins	Bringer	Burnett	Calloway	Carter
Chappelle-Nadal	Colona	Corcoran	Curls	Davis
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Icet	Jones 89	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe

Largent	LeVota	Lipke	Low	McClanahan
McDonald	McNeil	Morris	Newman	Nieves
Norr	Oxford	Parson	Quinn	Roorda
Scavuzzo	Schad	Schieffer	Schupp	Shively
Silvey	Spreng	Still	Storch	Talboy
Todd	Vogt	Walton Gray	Webb	Webber
Whitehead	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 30	Flanigan	Jones 63	LeBlanc	McGhee
Nolte	Stevenson	Walsh	Mr Speaker	

VACANCIES: 001

**SS SCS HCS HB 2058**, relating to liens against residential property, was taken up by Representative Diehl.

Representative Stevenson moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Ayres	Bivins	Brandom	Brown 149	Bruns
Burlison	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Iceet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 067

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl

## 1912 *Journal of the House*

Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Brown 30	Brown 50	Cooper	Corcoran
Flanigan	Jones 63	LeBlanc	McGhee	Nolte
Salva	Spreng			

VACANCIES: 001

On motion of Representative Diehl, **SS SCS HCS HB 2058** was adopted by the following vote:

AYES: 130

Aull	Ayres	Biermann	Brandom	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kingery
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McDonald	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Newman	Nieves
Norr	Parkinson	Parson	Pratt	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 019

Atkins	Bringer	Burnett	Curls	Hoskins 80
Hughes	Kirkton	Low	McClanahan	Oxford
Pace	Pollock	Quinn	Schupp	Skaggs
Still	Storch	Walton Gray	Witte	

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Bivins	Brown 30	Cooper	Corcoran
Flanigan	Jones 63	Kelly	LeBlanc	McGhee
Nolte	Salva	Spreng		

VACANCIES: 001

On motion of Representative Diehl, **SS SCS HCS HB 2058** was truly agreed to and finally passed by the following vote:

AYES: 133

Aull	Ayres	Biermann	Bivins	Brandom
Brown 50	Brown 149	Bruns	Burlison	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Norr	Parkinson
Parson	Pratt	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Wallace	Walsh
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 018

Atkins	Bringer	Burnett	Harris	Hoskins 80
Hughes	Kirkton	Low	McClanahan	Oxford
Pace	Pollock	Quinn	Schupp	Skaggs
Still	Walton Gray	Witte		

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Brown 30	Corcoran	Flanigan	Jones 63
LeBlanc	McGhee	Nolte	Salva	Spreng
Viebrock				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SBs 842, 799 & 809, as amended**, and has taken up and passed **CCS HCS SCS SBs 842, 799 & 809**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted Conference Committee Report No. 3 on **HCS#2 SB 844** and has taken up and passed **CCS#3 HCS#2 SB 844**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SB 1007, as amended**, and has taken up and passed **CCS HCS SS SB 1007**.

On motion of Representative Tilley, the House recessed until 1:30 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richard.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HB 1442, as amended**, and has taken up and passed **CCS SS SCS HB 1442**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2201**, entitled:

An act to repeal sections 443.701, 443.703, 443.805, and 475.190, RSMo, and to enact in lieu thereof four new sections relating to financial institutions, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 795, as amended**, and has taken up and passed **CCS HCS SB 795**.

Emergency clause adopted.

## BILLS IN CONFERENCE

**CCR#3 HCS#2 SB 844**, relating to public officials, was taken up by Representative Jones (89).

Speaker Pro Tem Pratt resumed the Chair.

Representative Wilson (130) assumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	



## 1916 *Journal of the House*

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Flanigan	Jones 63	LeBlanc	Nolte
Spreng	Wasson			

VACANCIES: 001

On motion of Representative Jones (89), **CCR#3 HCS#2 SB 844** was adopted by the following vote:

AYES: 154

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 005

Emery	Hughes	Oxford	Pace	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 003

Flanigan	Jones 63	LeBlanc
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VACANCIES: 001

On motion of Representative Jones (89), **CCS#3 HCS#2 SB 844** was truly agreed to and finally passed by the following vote:

AYES: 153

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Norr	Parkinson	Parson	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 005

Emery	Hughes	Oxford	Pace	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 004

Flanigan	Jones 63	LeBlanc	Pollock
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VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**CCR HCS SCS SBs 842, 799 & 809, as amended**, relating to the MO HealthNet Program, was taken up by Representative Stream.

## 1918 *Journal of the House*

On motion of Representative Stream, **CCR HCS SCS SBs 842, 799 & 809, as amended**, was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Molendorp	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 005

Hughes	Oxford	Pace	Spreng	Zimmerman
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PRESENT: 001

Swinger

ABSENT WITH LEAVE: 013

Bruns	Calloway	Cooper	Corcoran	Flanigan
Hobbs	Jones 63	LeBlanc	Meiners	Morris
Nasheed	Salva	Webb		

VACANCIES: 001

On motion of Representative Stream, **CCS HCS SCS SBs 842, 799 & 809** was truly agreed to and finally passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Molendorp	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 005

Hughes	Oxford	Pace	Spreng	Zimmerman
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PRESENT: 001

Swinger

ABSENT WITH LEAVE: 011

Bruns	Calloway	Corcoran	Flanigan	Hobbs
Jones 63	LeBlanc	Meiners	Morris	Nasheed
Webb				

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

**CCR HCS SS SB 1007, as amended**, relating to public assistance programs, was taken up by Representative Cooper.

1920 *Journal of the House*

On motion of Representative Cooper, **CCR HCS SS SB 1007, as amended**, was adopted by the following vote:

AYES: 134

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Calloway	Casey	Chappelle-Nadal
Conway	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Norr	Parkinson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Skaggs	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 014

Burnett	Carter	Colona	Ervin	Hughes
Low	Newman	Oxford	Pace	Schupp
Spreng	Still	Walton Gray	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Corcoran	Flanigan	Hobbs	Jones 63
LeBlanc	LeVota	Meiners	Morris	Nolte
Parson	Salva	Silvey	Webb	

VACANCIES: 001

On motion of Representative Cooper, **CCS HCS SS SB 1007** was truly agreed to and finally passed by the following vote:

AYES: 133

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Iceť	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 014

Burnett	Carter	Davis	Ervin	Hughes
Low	McDonald	Newman	Oxford	Pace
Schupp	Spreng	Walton Gray	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 015

Bruns	Corcoran	Flanigan	Franz	Hobbs
Jones 63	LeBlanc	LeVota	McClanahan	Morris
Nolte	Salva	Schad	Silvey	Webb

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

Representative Iceť assumed the Chair.

**SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, relating to the justice system, was taken up by Representative Stevenson.

1922 *Journal of the House*

Representative Stevenson moved that the Conference Committee on **SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, be dissolved and the House adopt **SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 067

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Newman	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 010

Bruns	Corcoran	Flanigan	Hobbs	Jones 63
LeBlanc	Morris	Pollock	Salva	Webb

VACANCIES: 001

Representative Stevenson again moved that the Conference Committee on SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended, be dissolved and the House adopt SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended.

Which motion was adopted by the following vote:

AYES: 137

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Burlison
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hodges
Holsman	Hoskins 121	Hughes	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Oxford	Parkinson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 011

Atkins	Bringer	Kirkton	McNeil	Newman
Norr	Pace	Schupp	Skaggs	Walton Gray
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 014

Bruns	Corcoran	Flanigan	Hobbs	Hoskins 80
Jones 63	LeBlanc	LeVota	Morris	Parson
Salva	Schaaf	Silvey	Webb	

VACANCIES: 001



1924 *Journal of the House*

On motion of Representative Stevenson, **SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 144

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hughes	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Oxford	Parkinson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Wasson	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 011

Atkins	Hoskins 80	McNeil	Newman	Norr
Pace	Parson	Schupp	Skaggs	Walton Gray
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Flanigan	Jones 63	LeBlanc	Morris
Salva	Webb			

VACANCIES: 001

Representative Ice declared the bill passed.

Speaker Pro Tem Pratt resumed the Chair.

**CCR SCS HB 1868, as amended**, relating to the State Records Commission, was taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **CCR SCS HB 1868, as amended**, was adopted by the following vote:

AYES: 125

Atkins	Aull	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Decken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Leara	LeVota	Liese	Lipke	Low
McClanahan	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nasheed
Newman	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Scavuzzo
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Tilley	Todd
Tracy	Viebrock	Vogt	Walsh	Walton Gray
Wasson	Webber	Weter	Whitehead	Wilson 130
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 031

Allen	Ayres	Bringer	Burlison	Burnett
Cooper	Davis	Day	Dethrow	Dugger
Franz	Funderburk	Hodges	Hughes	Largent
Loehner	McGhee	Nance	Oxford	Pollock
Sander	Sater	Schad	Schoeller	Skaggs
Smith 150	Thomson	Wallace	Wells	Wilson 119
Witte				

PRESENT: 000

ABSENT WITH LEAVE: 006

Corcoran	Flanigan	Jones 63	LeBlanc	Salva
Webb				

VACANCIES: 001

1926 *Journal of the House*

On motion of Representative Scharnhorst, **CCS SCS HB 1868** was read the third time and passed by the following vote:

AYES: 124

Atkins	Aull	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 149	Bruns	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Leara	LeVota	Liese	Lipke	Low
McClanahan	McDonald	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Norr	Pace
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Scavuzzo
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Tilley	Todd
Tracy	Viebrock	Vogt	Walsh	Walton Gray
Wasson	Webber	Weter	Whitehead	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 029

Allen	Ayres	Bringer	Burlison	Burnett
Cooper	Davis	Day	Dethrow	Dugger
Franz	Hodges	Hughes	Largent	Loehner
McGhee	Oxford	Pollock	Sander	Sater
Schad	Schoeller	Skaggs	Smith 150	Thomson
Wallace	Wells	Wilson 119	Witte	

PRESENT: 000

ABSENT WITH LEAVE: 009

Corcoran	Flanigan	Funderburk	Jones 63	LeBlanc
Nolte	Salva	Webb	Wilson 130	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 071

Biermann	Bivins	Brandom	Brown 30	Brown 149
Burlison	Casey	Chappelle-Nadal	Colona	Cox
Day	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hoskins 121	Ice	Jones 117	Keeney
Kingery	Komo	Kuessner	Lair	Largent
Liese	Lipke	Loehner	McDonald	Meiners
Molendorp	Munzlinger	Nance	Nieves	Parkinson
Pratt	Riddle	Ruestman	Ruzicka	Sater
Schaaf	Scharnhorst	Schlottach	Self	Silvey
Smith 14	Stevenson	Stream	Sutherland	Tilley
Viebrock	Vogt	Wallace	Wilson 119	Wright
Mr Speaker				

NOES: 079

Allen	Atkins	Aull	Ayres	Bringer
Brown 50	Bruns	Burnett	Calloway	Carter
Conway	Cunningham	Curls	Davis	Deeken
Dugger	Dusenberg	Englund	Frame	Hobbs
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 89	Kander	Kelly	Kirkton	Koenig
Kratky	Kraus	Lampe	Leara	LeVota
Low	McClanahan	McGhee	McNary	McNeil
Morris	Newman	Norr	Oxford	Parson
Pollock	Quinn	Roorda	Rucker	Sander
Scavuzzo	Schad	Schieffer	Schoeller	Schoemehl
Schupp	Shively	Skaggs	Smith 150	Spreng
Still	Storch	Swinger	Talboy	Thomson
Todd	Tracy	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Whitehead	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 012

Cooper	Corcoran	Emery	Flanigan	Jones 63
LeBlanc	Meadows	Nasheed	Nolte	Pace
Salva	Webb			

VACANCIES: 001

**CCR HCS SB 795, as amended**, relating to animals and agriculture, was taken up by Representative Loehner.

Representative Dougherty moved the previous question.

## 1928 *Journal of the House*

Which motion was adopted by the following vote:

AYES: 129

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
Meadows	Molendorp	Munzlinger	Nance	Nieves
Nolte	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Schoemehl	Self
Shively	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Viebrock	Vogt
Wallace	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 022

Atkins	Bringer	Carter	Dixon	Frame
Hoskins 80	Hughes	Kelly	Low	McNeil
Newman	Oxford	Pace	Roorda	Rucker
Schieffer	Schupp	Silvey	Skaggs	Tracy
Walsh	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 011

Corcoran	Flanigan	Jones 63	LeBlanc	LeVota
Meiners	Morris	Nasheed	Salva	Spreng
Webb				

VACANCIES: 001

On motion of Representative Loehner, **CCR HCS SB 795, as amended**, was adopted by the following vote:

AYES: 149

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Molendorp	Morris	Munzlinger	Nance	Newman
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 002

Low                      Oxford

ABSENT WITH LEAVE: 011

Cooper	Corcoran	Flanigan	Jones 63	LeBlanc
Meiners	Nasheed	Salva	Spreng	Stream
Webb				

VACANCIES: 001

## 1930 *Journal of the House*

On motion of Representative Loehner, **CCS HCS SB 795** was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Molendorp	Morris	Munzlinger	Nance	Newman
Nieves	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 002

Low                      Oxford

ABSENT WITH LEAVE: 012

Corcoran	Diehl	Flanigan	Jones 63	LeBlanc
Meiners	Nasheed	Nolte	Rucker	Salva
Spreng	Webb			

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 002

Low Oxford

ABSENT WITH LEAVE: 013

Corcoran	Day	Flanigan	Jones 63	LeBlanc
Nasheed	Nolte	Salva	Schoemehl	Spreng
Talboy	Vogt	Webb		

VACANCIES: 001

Speaker Richard resumed the Chair.



**HOUSE BILL WITH SENATE AMENDMENTS**

**SS SCS HCS HB 2201**, relating to residential mortgage professionals, was taken up by Representative Cox.

On motion of Representative Cox, **SS SCS HCS HB 2201** was adopted by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cox
Cunningham	Curls	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parson	Pollock	Pratt	Quinn
Riddle	Roord	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Bruns	Cooper	Corcoran	Day	Flanigan
Funderburk	Hobbs	Hughes	Jones 63	LeBlanc
Low	Nasheed	Parkinson	Salva	Schoemehl
Spreng	Vogt	Webb		

VACANCIES: 001

On motion of Representative Cox, **SS SCS HCS HB 2201** was truly agreed to and finally passed by the following vote:

AYES: 144

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Bringer	Bruns	Cooper	Corcoran	Flanigan
Franz	Hobbs	Hughes	Jones 63	LeBlanc
Low	Nasheed	Salva	Schoemehl	Spreng
Stevenson	Vogt	Webb		

VACANCIES: 001

Speaker Richard declared the bill passed.

## 1934 *Journal of the House*

The emergency clause was adopted by the following vote:

AYES: 136

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Cox	Cunningham	Curls	Davis	Denison
Dethrow	Dieckhaus	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Newman	Nieves
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Smith 14
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 002

Burnett                      Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 024

Corcoran	Day	Deeken	Diehl	Faith
Flanigan	Hobbs	Hughes	Jones 63	LeBlanc
Low	Meiners	Nasheed	Nolte	Rucker
Salva	Scharnhorst	Silvey	Smith 150	Spreng
Thomson	Tilley	Vogt	Webb	

VACANCIES: 001

### THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCR 77**, relating to federal health care reform legislation, was taken up by Representative Franz.

On motion of Representative Franz, **HCR 77** was read the third time and passed by the following vote:

AYES: 099

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Casey	Cooper
Cox	Cunningham	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Ice	Jones 89
Jones 117	Keeney	Kelly	Kingery	Koenig
Komo	Kraus	Lair	Largent	Leara
Liese	Lipke	Loehner	McGhee	McNary
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Shively
Silvey	Smith 14	Stevenson	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 047

Atkins	Aull	Bringer	Brown 50	Burnett
Calloway	Carter	Chappelle-Nadal	Colona	Conway
Curls	Dougherty	Englund	Grill	Holsman
Hoskins 80	Hummel	Kander	Kirkton	Kratky
Kuessner	Lampe	LeVota	Low	McClanahan
McDonald	McNeil	Morris	Newman	Oxford
Pace	Quinn	Rucker	Scavuzzo	Schoemehl
Schupp	Skaggs	Still	Storch	Talboy
Walsh	Walton Gray	Webber	Whitehead	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 016

Ayres	Corcoran	Day	Flanigan	Frame
Hughes	Jones 63	LeBlanc	Nasheed	Roorda
Salva	Smith 150	Spreng	Vogt	Wallace
Webb				

VACANCIES: 001

Speaker Richard declared the bill passed.

## HOUSE CONCURRENT RESOLUTIONS

**HCR 67**, relating to Complete Streets policies, was taken up by Representative Sutherland.

Representative Nieves moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Nasheed
Newman	Norr	Pace	Quinn	Roorda
Rucker	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 012

Carter	Corcoran	Flanigan	Hughes	Jones 63
LeBlanc	Oxford	Salva	Spreng	Vogt
Wallace	Webb			

VACANCIES: 001

On motion of Representative Sutherland, **HCR 67** was adopted.

**HCR 79**, relating to the F/A-18E/F Block II Super Hornet, was taken up by Representative Atkins.

On motion of Representative Atkins, **HCR 79** was adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 1524 & 2260**, entitled:

An act to repeal sections 41.030, 41.216, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 143.1004, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof twenty-seven new sections relating to military forces, with an emergency clause for certain sections.

With Senate Amendment No. 1.

#### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1524 & 2260, Page 1, Section A, Line 7, by inserting after all of said line the following:

"34.074. 1. As used in this section, the term "service-disabled veteran" means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

2. As used in this section, the term "service-disabled veteran business" means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give **a three-point bonus** preference to **service-disabled veteran businesses** doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable].

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no **or an insufficient number of** such veterans doing business in this state [meet the quality of performance and price standards required in subsection 3 of this section] **submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political subdivision**, such [preference] goal shall not be required **and the provisions of subdivision (1) of this subsection shall not apply**;

(3) **The commissioner of administration may promulgate rules in order to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or disapprove and annul a rule subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**"; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS#2 SCS HCS#2 HB 1543, as amended**, and has taken up and passed **CCS SS#2 SCS HCS#2 HB 1543**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 1868, as amended**, and has taken up and passed **CCS SCS HB 1868**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 2226, HB 1824, HB 1832 & HB 1990, as amended**, and has taken up and passed **CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has dissolved the conference on **House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, as amended**, and the Senate requests the House to recede from its position and take up and pass **Senate Committee Substitute for Senate Bill No. 808**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has dissolved the conference on **House Committee Substitute for Senate Bill No. 981, as amended**, and the Senate requests the House to recede from its position and take up and pass **Senate Bill No. 981**.

### HOUSE BILL WITH SENATE AMENDMENTS

**SCS HCS HBs 1524 & 2260, as amended**, relating to military forces, was taken up by Representative Largent.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke

Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Stevenson
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wright	Zerr	Mr Speaker	

NOES: 060

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Colona	Corcoran
Curls	Dougherty	Englund	Fallert	Fischer 107
Frame	Harris	Hodges	Holsman	Hoskins 80
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Pace
Quinn	Roorda	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webber	Whitehead	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 018

Carter	Chappelle-Nadal	Conway	Flanigan	Grill
Hughes	Jones 63	LeBlanc	Nasheed	Oxford
Pollock	Rucker	Salva	Smith 150	Spreng
Stream	Vogt	Webb		

VACANCIES: 001

On motion of Representative Largent, **SCS HCS HBs 1524 & 2260, as amended**, was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Casey	Colona	Conway	Cooper	Cox
Cunningham	Curls	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris



## 1940 *Journal of the House*

Munzlinger	Nance	Newman	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Stevenson	Still	Storch
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Carter	Chappelle-Nadal	Corcoran	Flanigan	Hughes
Jones 63	Jones 89	LeBlanc	Low	Nasheed
Oxford	Pollock	Salva	Smith 150	Spreng
Stream	Vogt	Wasson	Webb	

VACANCIES: 001

On motion of Representative Largent, **SCS HCS HBs 1524 & 2260, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Newman	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Stevenson	Still	Storch	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock

Vogt	Wallace	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Whitehead	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Chappelle-Nadal	Flanigan	Hughes	Jones 63	Kelly
LeBlanc	Nasheed	Oxford	Pollock	Salva
Smith 150	Spreng	Stream	Talboy	Webb

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 139

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 89	Kander
Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Newman	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pratt	Quinn	Riddle	Roorda	Rucker
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Schoemehl
Schupp	Shively	Skaggs	Smith 14	Stevenson
Still	Storch	Sutherland	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 001

Dethrow

## 1942 *Journal of the House*

PRESENT: 000

ABSENT WITH LEAVE: 022

Curls	Flanigan	Hughes	Jones 63	Jones 117
Kelly	LeBlanc	Nasheed	Oxford	Pollock
Ruestman	Salva	Schieffer	Self	Silvey
Smith 150	Spreng	Stream	Swinger	Talboy
Walsh	Webb			

VACANCIES: 001

### BILLS CARRYING REQUEST MESSAGES

**HCS SCS SB 808, as amended**, relating to political subdivisions, was taken up by Representative Sutherland.

Representative Sutherland moved that the House recede from its position on **HCS SCS SB 808, as amended**.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flook	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Stevenson
Sutherland	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Curls	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Newman
Norr	Pace	Quinn	Roorda	Rucker

Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 015

Diehl	Flanigan	Grisamore	Hughes	Jones 63
LeBlanc	Nasheed	Oxford	Pollock	Salva
Smith 150	Spreng	Stream	Thomson	Webb

VACANCIES: 001

Representative Sutherland again moved that the House recede from its position on **HCS SCS SB 808, as amended**.

Which motion was adopted.

On motion of Representative Sutherland, **SCS SB 808** was truly agreed to and finally passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flook	Franz	Funderburk	Grill
Grisamore	Guernsey	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Smith 14	Stevenson	Still	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman

Mr Speaker

## 1944 *Journal of the House*

NOES: 005

Bringer	Burnett	Frame	Kuessner	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 016

Flanigan	Gatschenberger	Guest	Hughes	Jones 63
LeBlanc	Nasheed	Oxford	Salva	Smith 150
Spreng	Storch	Stream	Sutherland	Talboy
Webb				

VACANCIES: 001

Speaker Richard declared the bill passed.

**HCS SB 981, as amended**, relating to sales taxes, was taken up by Representative Sutherland.

Representative Sutherland moved that the House recede from its position on **HCS SB 981, as amended**.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Ice
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Stevenson	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr
Mr Speaker				

NOES: 061

Atkins	Aull	Biermann	Bringer	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Conway	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 80	Hummel	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota

Liese	Low	McClanahan	McDonald	McNeil
Meadows	Morris	Newman	Norr	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 015

Brown 50	Corcoran	Deeken	Flanigan	Hughes
Jones 63	LeBlanc	Meiners	Oxford	Salva
Smith 150	Spreng	Stream	Vogt	Webb

VACANCIES: 001

Representative Sutherland again moved that the House recede from its position on **HCS SB 981, as amended**.

Which motion was adopted.

On motion of Representative Sutherland, **SB 981** was truly agreed to and finally passed by the following vote:

AYES: 140

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Harris	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Stevenson
Still	Storch	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock

## 1946 *Journal of the House*

Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 009

Brown 30	Davis	Dethrow	Dusenberg	Grisamore
Kraus	Pratt	Sater	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 013

Flanigan	Hobbs	Hughes	Jones 63	LeBlanc
Oxford	Roorda	Salva	Smith 150	Spreng
Stream	Vogt	Webb		

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 019

Biermann	Burnett	Cox	Curls	Dougherty
Flook	Gatschenberger	Grill	Guest	Kander
Komo	Liese	McGhee	Nasheed	Sater
Talboy	Tracy	Wallace	Wells	

NOES: 126

Allen	Atkins	Aull	Ayres	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cunningham	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Frame	Franz	Funderburk
Grisamore	Guernsey	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Keeney	Kingery	Kirkton
Koenig	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	LeVota	Lipke	Loehner
Low	McClanahan	McDonald	McNary	McNeil
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Sander	Scavuzzo	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Stevenson
Still	Storch	Sutherland	Swinger	Thomson
Tilley	Todd	Viebrock	Walsh	Walton Gray

Wasson	Webber	Weter	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

PRESENT: 001

Denison

ABSENT WITH LEAVE: 016

Flanigan	Hughes	Jones 63	Kelly	Leara
LeBlanc	Oxford	Rucker	Salva	Schieffer
Smith 150	Spreng	Stream	Vogt	Webb
Whitehead				

VACANCIES: 001

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HCS SCS SB 754, as amended**, and has taken up and passed **CCS#2 HCS SCS SB 754**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 791, as amended**, and has taken up and passed **CCS HCS SB 791**.

### BILLS IN CONFERENCE

**CCR#2 HCS SCS SB 754, as amended**, relating to professional registration, was taken up by Representative Wasson.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Sutherland



## 1948 *Journal of the House*

Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 058

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Chappelle-Nadal	Conway
Corcoran	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Newman	Norr	Pace
Quinn	Rucker	Scavuzzo	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Walton Gray	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 021

Brown 30	Calloway	Colona	Deeken	Flanigan
Hobbs	Hoskins 80	Hughes	Jones 63	Largent
LeBlanc	Oxford	Roorda	Ruestman	Salva
Schieffer	Spreng	Stream	Vogt	Walsh
Webb				

VACANCIES: 001

On motion of Representative Wasson, **CCR#2 HCS SCS SB 754, as amended**, was adopted by the following vote:

AYES: 127

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Koenig	Kratky	Kuessner	Lair	Lampe
Leara	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoemehl	Self	Shively	Silvey

Skaggs	Smith 14	Smith 150	Storch	Sutherland
Thomson	Tilley	Todd	Viebrock	Wallace
Walsh	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 022

Colona	Davis	Dethrow	Dusenberg	Ervin
Frame	Kirkton	Komo	Kraus	Largent
McNeil	Nasheed	Newman	Sander	Schad
Schoeller	Schupp	Stevenson	Still	Vogt
Walton Gray	Zimmerman			

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 012

Flanigan	Hughes	Jones 63	LeBlanc	Oxford
Salva	Spreng	Stream	Talboy	Tracy
Wasson	Webb			

VACANCIES: 001

On motion of Representative Wasson, **CCS#2 HCS SCS SB 754** was truly agreed to and finally passed by the following vote:

AYES: 124

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Burnett	Carter
Casey	Chappelle-Nadal	Colona	Conway	Cooper
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kratky	Kuessner	Lair	Lampe	Leara
LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Ruestman	Ruzicka	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Storch	Sutherland	Thomson	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

## 1950 *Journal of the House*

NOES: 022

Davis	Dethrow	Dusenberg	Ervin	Frame
Kirkton	Koenig	Komo	Kraus	Largent
McNeil	Nasheed	Newman	Sander	Schad
Schoeller	Schupp	Stevenson	Still	Vogt
Walton Gray	Zimmerman			

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 015

Calloway	Flanigan	Hughes	Jones 63	LeBlanc
Nieves	Oxford	Rucker	Salva	Sprenge
Stream	Talboy	Tilley	Webb	Whitehead

VACANCIES: 001

Speaker Richard declared the bill passed.

**CCR HCS SB 791, as amended**, relating to utilities, was taken up by Representative Emery.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Holsman	Hoskins 121
Ice	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Sutherland	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Hoskins 80	Hughes	Hummel

Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Meadows	Meiners
Morris	Newman	Norr	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 009

Flanigan	Jones 63	LeBlanc	Oxford	Salva
Spreng	Stevenson	Stream	Webb	

VACANCIES: 001

On motion of Representative Emery, **CCR HCS SB 791, as amended**, was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Frame	Franz	Funderburk	Grill	Grisamore
Guernsey	Guest	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Silvey	Smith 14	Smith 150	Storch
Sutherland	Swinger	Talboy	Thomson	Tilley
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Whitehead	Wilson 119	Wilson 130	Witte	Yaeger
Zerr	Zimmerman	Mr Speaker		

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NOES: 013

Bringer	Burnett	Dethrow	Harris	Hughes
LeVota	Low	Scavuzzo	Shively	Skaggs
Still	Todd	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Curls	Flanigan	Gatschenberger	Jones 63	LeBlanc
Oxford	Salva	Spreng	Stevenson	Stream
Webb				

VACANCIES: 001

On motion of Representative Emery, **CCS HCS SB 791** was truly agreed to and finally passed by the following vote:

AYES: 137

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	Liese	Lipke	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Silvey	Smith 14	Smith 150	Storch	Sutherland
Swinger	Talboy	Thomson	Tilley	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 016

Bringer	Burnett	Dethrow	Frame	Harris
Hughes	LeVota	Low	Quinn	Scavuzzo
Self	Shively	Skaggs	Still	Todd
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Flanigan	Jones 63	LeBlanc	Oxford	Salva
Spreng	Stevenson	Stream	Webb	

VACANCIES: 001

Speaker Richard declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate receded from its position on **SA 1 & SA 2** to **HCS** for **HB 1977** and has taken up and passed **HCS for HB 1977**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS HB 2070, as amended**, and has taken up and passed **CCS HCS HB 2070**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2297, as amended**, and has taken up and passed **CCS SCS HCS HB 2297**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCR 55** and has taken up and passed **HCS SCR 55**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS#2 SCS SB 778**, and has taken up and passed **CCS HCS#2 SCS SB 778**.

Emergency clause adopted.

### REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

**HR 1290** - Rules

**HR 1581** - International Trade and Immigration

### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 4** - Retirement

**HCR 5** - Transportation

**HCR 6** - Special Standing Committee on General Laws

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**HCR 8** - Agri-Business  
**HCR 9** - Special Standing Committee on General Laws  
**HCR 10** - Transportation  
**HCR 15** - Special Standing Committee on Workforce Development and Workplace Safety  
**HCR 19** - Energy and Environment  
**HCR 20** - Public Safety  
**HCR 21** - Health Care Policy  
**HCR 22** - Ways and Means  
**HCR 23** - Health Care Policy  
**HCR 26** - Tax Reform  
**HCR 27** - Agriculture Policy  
**HCR 28** - Special Standing Committee on General Laws  
**HCR 30** - Public Safety  
**HCR 31** - Veterans  
**HCR 32** - Utilities  
**HCR 33** - International Trade and Immigration  
**HCR 40** - Special Standing Committee on General Laws  
**HCR 41** - Tourism  
**HCR 42** - Financial Institutions  
**HCR 44** - Tax Reform  
**HCR 45** - Veterans  
**HCR 47** - Special Standing Committee on General Laws  
**HCR 48** - Veterans  
**HCR 49** - Utilities  
**HCR 50** - Corrections and Public Institutions  
**HCR 51** - Elementary and Secondary Education  
**HCR 54** - Elections  
**HCR 55** - Veterans  
**HCR 56** - Special Standing Committee on General Laws  
**HCR 57** - Special Standing Committee on General Laws  
**HCR 59** - Energy and Environment  
**HCR 60** - Tax Reform  
**HCR 61** - Transportation  
**HCR 64** - Energy and Environment  
**HCR 65** - International Trade and Immigration  
**HCR 66** - Health Care Policy  
**HCR 68** - State Parks and Waterways  
**HCR 69** - Administration and Accounts  
**HCR 71** - Veterans  
**HCR 72** - International Trade and Immigration  
**HCR 73** - Energy and Environment  
**HCR 75** - Tourism  
**HCR 76** - Elementary and Secondary Education  
**HCR 78** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HCR 81** - Elementary and Secondary Education

**HCR 82** - Conservation and Natural Resources  
**HCR 83** - Crime Prevention  
**HCR 84** - Real ID and Personal Privacy

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 46** - Transportation  
**HJR 47** - Elections  
**HJR 49** - Tax Reform  
**HJR 52** - Local Government  
**HJR 53** - Local Government  
**HJR 54** - Local Government  
**HJR 55** - Transportation  
**HJR 58** - Special Standing Committee on General Laws  
**HJR 60** - Veterans  
**HJR 61** - Elementary and Secondary Education  
**HJR 65** - Elementary and Secondary Education  
**HJR 66** - Elementary and Secondary Education  
**HJR 67** - Ways and Means  
**HJR 68** - Ways and Means  
**HJR 73** - Elections  
**HJR 75** - Ways and Means  
**HJR 77** - Special Standing Committee on Infrastructure and Transportation Funding  
**HJR 79** - Transportation  
**HJR 80** - Conservation and Natural Resources  
**HJR 82** - Judiciary  
**HJR 83** - Veterans  
**HJR 84** - Elementary and Secondary Education  
**HJR 85** - Ways and Means  
**HJR 89** - Special Standing Committee on General Laws  
**HJR 90** - Energy and Environment  
**HJR 91** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HJR 92** - Elections  
**HJR 95** - Special Standing Committee on General Laws  
**HJR 96** - Judiciary  
**HJR 97** - Elementary and Secondary Education  
**HJR 98** - Administration and Accounts  
**HJR 99** - Transportation  
**HJR 100** - Administration and Accounts



## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1203** - Corrections and Public Institutions
- HB 1204** - Special Standing Committee on Health Insurance
- HB 1211** - Special Standing Committee on Children and Families
- HB 1212** - Elementary and Secondary Education
- HB 1213** - Veterans
- HB 1214** - Ways and Means
- HB 1215** - Elementary and Secondary Education
- HB 1216** - Ways and Means
- HB 1217** - Transportation
- HB 1218** - Small Business
- HB 1219** - Healthcare Transformation
- HB 1226** - Corrections and Public Institutions
- HB 1232** - Special Standing Committee on General Laws
- HB 1233** - Special Standing Committee on Children and Families
- HB 1236** - Special Standing Committee on Children and Families
- HB 1237** - Special Standing Committee on Children and Families
- HB 1241** - Senior Citizen Advocacy
- HB 1246** - Transportation
- HB 1248** - Agriculture Policy
- HB 1249** - Senior Citizen Advocacy
- HB 1251** - Tax Reform
- HB 1253** - Special Standing Committee on General Laws
- HB 1256** - Corrections and Public Institutions
- HB 1257** - Special Standing Committee on Children and Families
- HB 1259** - Healthcare Transformation
- HB 1260** - Special Standing Committee on Health Insurance
- HB 1262** - Corrections and Public Institutions
- HB 1264** - Retirement
- HB 1269** - Public Safety
- HB 1273** - Conservation and Natural Resources
- HB 1277** - Elementary and Secondary Education
- HB 1280** - Crime Prevention
- HB 1281** - Judiciary
- HB 1283** - Public Safety
- HB 1284** - Crime Prevention
- HB 1285** - Public Safety
- HB 1286** - Judiciary
- HB 1287** - Crime Prevention
- HB 1294** - Veterans
- HB 1295** - Elementary and Secondary Education
- HB 1296** - Elementary and Secondary Education
- HB 1297** - Elementary and Secondary Education
- HB 1298** - Healthcare Transformation

- HB 1299** - Special Standing Committee on General Laws
- HB 1300** - Special Standing Committee on General Laws
- HB 1301** - Agri-Business
- HB 1304** - Special Standing Committee on Health Insurance
- HB 1305** - Special Standing Committee on Health Insurance
- HB 1306** - Public Safety
- HB 1307** - Health Care Policy
- HB 1308** - Special Standing Committee on General Laws
- HB 1309** - Energy and Environment
- HB 1314** - Homeland Security
- HB 1317** - Local Government
- HB 1325** - Special Standing Committee on General Laws
- HB 1328** - Small Business
- HB 1329** - Health Care Policy
- HB 1331** - Crime Prevention
- HB 1332** - Special Standing Committee on Urban Issues
- HB 1333** - Special Standing Committee on Health Insurance
- HB 1334** - Special Standing Committee on Health Insurance
- HB 1338** - Crime Prevention
- HB 1339** - Veterans
- HB 1342** - Health Care Policy
- HB 1343** - Crime Prevention
- HB 1344** - Local Government
- HB 1345** - Agriculture Policy
- HB 1346** - Special Standing Committee on Workforce Development and Workplace Safety
- HB 1347** - Local Government
- HB 1348** - Small Business
- HB 1349** - Local Government
- HB 1350** - Ways and Means
- HB 1354** - Veterans
- HB 1355** - Local Government
- HB 1356** - Special Standing Committee on Workforce Development and Workplace Safety
- HB 1357** - Health Care Policy
- HB 1358** - Senior Citizen Advocacy
- HB 1359** - Healthcare Transformation
- HB 1360** - Special Standing Committee on Children and Families
- HB 1361** - Ways and Means
- HB 1362** - Public Safety
- HB 1363** - Transportation
- HB 1364** - Health Care Policy
- HB 1366** - Special Standing Committee on Professional Registration and Licensing
- HB 1370** - Health Care Policy
- HB 1371** - Local Government
- HB 1376** - Public Safety
- HB 1378** - Local Government
- HB 1379** - Insurance Policy
- HB 1381** - Crime Prevention

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**HB 1384** - Ways and Means  
**HB 1385** - Local Government  
**HB 1387** - Tax Reform  
**HB 1391** - Special Standing Committee on Children and Families  
**HB 1393** - Transportation  
**HB 1394** - Local Government  
**HB 1395** - Special Standing Committee on General Laws  
**HB 1396** - Local Government  
**HB 1397** - Local Government  
**HB 1398** - Special Standing Committee on Children and Families  
**HB 1399** - Job Creation and Economic Development  
**HB 1401** - Judiciary  
**HB 1409** - Utilities  
**HB 1410** - Job Creation and Economic Development  
**HB 1411** - Small Business  
**HB 1412** - State Parks and Waterways  
**HB 1413** - Crime Prevention  
**HB 1415** - Crime Prevention  
**HB 1416** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1417** - Senior Citizen Advocacy  
**HB 1418** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1419** - Small Business  
**HB 1421** - Judiciary  
**HB 1422** - Corrections and Public Institutions  
**HB 1423** - Ways and Means  
**HB 1425** - Tourism  
**HB 1426** - Special Standing Committee on General Laws  
**HB 1427** - Crime Prevention  
**HB 1428** - Elementary and Secondary Education  
**HB 1429** - Public Safety  
**HB 1430** - Judiciary  
**HB 1431** - Special Standing Committee on General Laws  
**HB 1435** - Health Care Policy  
**HB 1439** - Conservation and Natural Resources  
**HB 1440** - Financial Institutions  
**HB 1441** - Elections  
**HB 1443** - Financial Institutions  
**HB 1447** - Senior Citizen Advocacy  
**HB 1453** - Special Standing Committee on General Laws  
**HB 1454** - Judiciary  
**HB 1456** - Health Care Policy  
**HB 1458** - Elementary and Secondary Education  
**HB 1459** - Elementary and Secondary Education  
**HB 1460** - Local Government  
**HB 1461** - Crime Prevention  
**HB 1462** - Crime Prevention  
**HB 1463** - Elementary and Secondary Education

**HB 1464** - Healthcare Transformation  
**HB 1465** - Judiciary  
**HB 1467** - Special Standing Committee on Health Insurance  
**HB 1469** - Elementary and Secondary Education  
**HB 1470** - Elections  
**HB 1471** - Local Government  
**HB 1474** - Insurance Policy  
**HB 1475** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1476** - Job Creation and Economic Development  
**HB 1477** - Agri-Business  
**HB 1478** - Judiciary  
**HB 1479** - Job Creation and Economic Development  
**HB 1480** - Special Standing Committee on Health Insurance  
**HB 1481** - Financial Institutions  
**HB 1482** - Special Standing Committee on Urban Issues  
**HB 1483** - Special Standing Committee on Urban Issues  
**HB 1484** - Special Standing Committee on Urban Issues  
**HB 1485** - Special Standing Committee on Children and Families  
**HB 1490** - Elections  
**HB 1492** - Local Government  
**HB 1493** - Healthcare Transformation  
**HB 1501** - Insurance Policy  
**HB 1503** - Judiciary  
**HB 1505** - Local Government  
**HB 1510** - Elementary and Secondary Education  
**HB 1517** - Conservation and Natural Resources  
**HB 1522** - Financial Institutions  
**HB 1526** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 1528** - Energy and Environment  
**HB 1529** - Tax Reform  
**HB 1530** - Veterans  
**HB 1532** - Public Safety  
**HB 1533** - Retirement  
**HB 1536** - Transportation  
**HB 1537** - Public Safety  
**HB 1539** - Crime Prevention  
**HB 1547** - Elections  
**HB 1549** - Judiciary  
**HB 1550** - Crime Prevention  
**HB 1555** - Ways and Means  
**HB 1557** - Local Government  
**HB 1558** - Transportation  
**HB 1560** - Elections  
**HB 1561** - Ways and Means  
**HB 1563** - Elementary and Secondary Education  
**HB 1565** - Local Government  
**HB 1566** - Local Government

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**HB 1569** - Transportation  
**HB 1572** - Transportation  
**HB 1573** - Special Standing Committee on Professional Registration and Licensing  
**HB 1574** - Local Government  
**HB 1575** - Transportation  
**HB 1576** - Ways and Means  
**HB 1577** - Ways and Means  
**HB 1578** - Local Government  
**HB 1579** - Elections  
**HB 1586** - Tax Reform  
**HB 1587** - Job Creation and Economic Development  
**HB 1588** - Special Standing Committee on Professional Registration and Licensing  
**HB 1590** - Local Government  
**HB 1596** - Judiciary  
**HB 1597** - Corrections and Public Institutions  
**HB 1599** - Utilities  
**HB 1600** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1602** - Energy and Environment  
**HB 1603** - Judiciary  
**HB 1604** - Health Care Policy  
**HB 1605** - Transportation  
**HB 1606** - Tax Reform  
**HB 1608** - Judiciary  
**HB 1611** - Judiciary  
**HB 1617** - Transportation  
**HB 1618** - Ways and Means  
**HB 1619** - Higher Education  
**HB 1620** - Special Standing Committee on Health Insurance  
**HB 1621** - Ways and Means  
**HB 1622** - Judiciary  
**HB 1623** - Corrections and Public Institutions  
**HB 1624** - State Parks and Waterways  
**HB 1626** - Local Government  
**HB 1627** - Senior Citizen Advocacy  
**HB 1630** - Energy and Environment  
**HB 1632** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1641** - Special Standing Committee on Health Insurance  
**HB 1646** - Judiciary  
**HB 1649** - Health Care Policy  
**HB 1651** - Elementary and Secondary Education  
**HB 1652** - Special Standing Committee on General Laws  
**HB 1653** - Tourism  
**HB 1660** - Corrections and Public Institutions  
**HB 1663** - Local Government  
**HB 1665** - Special Standing Committee on Children and Families  
**HB 1670** - Health Care Policy  
**HB 1671** - Public Safety

- HB 1673** - Transportation
- HB 1678** - Special Standing Committee on Urban Issues
- HB 1679** - Local Government
- HB 1681** - Local Government
- HB 1683** - Public Safety
- HB 1685** - Crime Prevention
- HB 1686** - Special Standing Committee on General Laws
- HB 1687** - Budget
- HB 1688** - Crime Prevention
- HB 1689** - Crime Prevention
- HB 1690** - Transportation
- HB 1694** - Local Government
- HB 1696** - Judiciary
- HB 1697** - Crime Prevention
- HB 1698** - Judiciary
- HB 1699** - Judiciary
- HB 1700** - Special Standing Committee on Professional Registration and Licensing
- HB 1701** - Ways and Means
- HB 1702** - Crime Prevention
- HB 1703** - Corrections and Public Institutions
- HB 1704** - Retirement
- HB 1706** - Local Government
- HB 1710** - Special Standing Committee on General Laws
- HB 1711** - Special Standing Committee on Children and Families
- HB 1712** - Special Standing Committee on Workforce Development and Workplace Safety
- HB 1717** - Ways and Means
- HB 1718** - Special Standing Committee on General Laws
- HB 1719** - Small Business
- HB 1720** - Transportation
- HB 1722** - Transportation
- HB 1723** - Transportation
- HB 1724** - Local Government
- HB 1728** - Elections
- HB 1730** - Judiciary
- HB 1731** - Health Care Policy
- HB 1732** - Elementary and Secondary Education
- HB 1733** - Special Standing Committee on Health Insurance
- HB 1734** - Special Standing Committee on Health Insurance
- HB 1735** - Special Standing Committee on Professional Registration and Licensing
- HB 1740** - Health Care Policy
- HB 1744** - State Parks and Waterways
- HB 1746** - Crime Prevention
- HB 1748** - Energy and Environment
- HB 1749** - Elections
- HB 1751** - Tourism
- HB 1752** - Retirement
- HB 1753** - Special Standing Committee on Workforce Development and Workplace Safety

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**HB 1755** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1757** - Judiciary  
**HB 1760** - Special Standing Committee on General Laws  
**HB 1761** - Crime Prevention  
**HB 1762** - Judiciary  
**HB 1763** - Financial Institutions  
**HB 1765** - Elections  
**HB 1766** - Energy and Environment  
**HB 1769** - Special Standing Committee on General Laws  
**HB 1770** - Special Standing Committee on General Laws  
**HB 1771** - Transportation  
**HB 1773** - Higher Education  
**HB 1774** - Judiciary  
**HB 1779** - Special Standing Committee on Professional Registration and Licensing  
**HB 1780** - Special Standing Committee on General Laws  
**HB 1781** - Agri-Business  
**HB 1783** - Transportation  
**HB 1785** - Corrections and Public Institutions  
**HB 1789** - Elementary and Secondary Education  
**HB 1790** - Judiciary  
**HB 1791** - Judiciary  
**HB 1796** - Financial Institutions  
**HB 1797** - Elementary and Secondary Education  
**HB 1798** - Retirement  
**HB 1801** - Elementary and Secondary Education  
**HB 1804** - Crime Prevention  
**HB 1807** - Ways and Means  
**HB 1809** - Judiciary  
**HB 1810** - Special Standing Committee on Health Insurance  
**HB 1813** - Job Creation and Economic Development  
**HB 1814** - Special Standing Committee on Emerging Issues in Animal Agriculture  
**HB 1815** - Crime Prevention  
**HB 1816** - Local Government  
**HB 1817** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1818** - Veterans  
**HB 1819** - Ways and Means  
**HB 1820** - Judiciary  
**HB 1821** - Elementary and Secondary Education  
**HB 1823** - Corrections and Public Institutions  
**HB 1828** - Public Safety  
**HB 1829** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1830** - Ways and Means  
**HB 1834** - Utilities  
**HB 1836** - Elections  
**HB 1837** - Special Standing Committee on General Laws  
**HB 1839** - Elections  
**HB 1843** - Higher Education

**HB 1844** - Transportation  
**HB 1849** - Public Safety  
**HB 1852** - Local Government  
**HB 1853** - Veterans  
**HB 1854** - Budget  
**HB 1855** - Healthcare Transformation  
**HB 1856** - Crime Prevention  
**HB 1857** - Real ID and Personal Privacy  
**HB 1859** - Health Care Policy  
**HB 1861** - Special Standing Committee on Children and Families  
**HB 1862** - Elections  
**HB 1863** - Ways and Means  
**HB 1865** - Elementary and Secondary Education  
**HB 1866** - Local Government  
**HB 1867** - Special Standing Committee on Children and Families  
**HB 1870** - Corrections and Public Institutions  
**HB 1873** - Local Government  
**HB 1874** - Judiciary  
**HB 1875** - Elementary and Secondary Education  
**HB 1876** - Financial Institutions  
**HB 1877** - Public Safety  
**HB 1878** - Insurance Policy  
**HB 1879** - Elementary and Secondary Education  
**HB 1880** - Elementary and Secondary Education  
**HB 1881** - Job Creation and Economic Development  
**HB 1882** - Transportation  
**HB 1884** - Health Care Policy  
**HB 1885** - Health Care Policy  
**HB 1886** - Health Care Policy  
**HB 1887** - Health Care Policy  
**HB 1888** - Crime Prevention  
**HB 1889** - Veterans  
**HB 1890** - Special Standing Committee on General Laws  
**HB 1891** - Tax Reform  
**HB 1895** - Judiciary  
**HB 1896** - Judiciary  
**HB 1897** - Elections  
**HB 1901** - Transportation  
**HB 1902** - Crime Prevention  
**HB 1906** - Judiciary  
**HB 1908** - Judiciary  
**HB 1909** - Public Safety  
**HB 1910** - Agri-Business  
**HB 1913** - Tourism  
**HB 1914** - Health Care Policy  
**HB 1915** - Tax Reform  
**HB 1916** - Ways and Means



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**HB 1917** - Tax Reform  
**HB 1919** - Tax Reform  
**HB 1920** - Judiciary  
**HB 1921** - Special Standing Committee on Urban Issues  
**HB 1922** - Elementary and Secondary Education  
**HB 1923** - Utilities  
**HB 1924** - Health Care Policy  
**HB 1925** - Crime Prevention  
**HB 1926** - Special Standing Committee on Urban Issues  
**HB 1927** - Judiciary  
**HB 1928** - Transportation  
**HB 1929** - Energy and Environment  
**HB 1930** - Energy and Environment  
**HB 1931** - Energy and Environment  
**HB 1932** - Energy and Environment  
**HB 1933** - Energy and Environment  
**HB 1934** - Judiciary  
**HB 1935** - Special Standing Committee on Health Insurance  
**HB 1937** - Crime Prevention  
**HB 1938** - Transportation  
**HB 1939** - Crime Prevention  
**HB 1940** - Small Business  
**HB 1944** - Agri-Business  
**HB 1946** - Local Government  
**HB 1948** - Special Standing Committee on General Laws  
**HB 1949** - Senior Citizen Advocacy  
**HB 1950** - Senior Citizen Advocacy  
**HB 1951** - State Parks and Waterways  
**HB 1952** - Elections  
**HB 1954** - Tax Reform  
**HB 1955** - Tax Reform  
**HB 1958** - Crime Prevention  
**HB 1961** - Special Standing Committee on Professional Registration and Licensing  
**HB 1962** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 1968** - Health Care Policy  
**HB 1969** - Corrections and Public Institutions  
**HB 1971** - Insurance Policy  
**HB 1972** - Health Care Policy  
**HB 1973** - Local Government  
**HB 1975** - Financial Institutions  
**HB 1976** - Tax Reform  
**HB 1978** - Health Care Policy  
**HB 1980** - Tax Reform  
**HB 1981** - Tax Reform  
**HB 1982** - Elections  
**HB 1983** - Judiciary  
**HB 1984** - Judiciary

**HB 1988** - Special Standing Committee on Professional Registration and Licensing  
**HB 1992** - Public Safety  
**HB 1995** - Energy and Environment  
**HB 1996** - Insurance Policy  
**HB 1999** - Homeland Security  
**HB 2027** - Special Standing Committee on General Laws  
**HB 2028** - Special Standing Committee on General Laws  
**HB 2030** - Elections  
**HB 2031** - Special Standing Committee on General Laws  
**HB 2033** - Special Standing Committee on General Laws  
**HB 2036** - Elementary and Secondary Education  
**HB 2037** - Judiciary  
**HB 2039** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 2041** - Judiciary  
**HB 2044** - Job Creation and Economic Development  
**HB 2045** - Tax Reform  
**HB 2046** - Judiciary  
**HB 2049** - Veterans  
**HB 2050** - Public Safety  
**HB 2052** - Elementary and Secondary Education  
**HB 2054** - Tax Reform  
**HB 2055** - Special Standing Committee on General Laws  
**HB 2057** - Health Care Policy  
**HB 2060** - Insurance Policy  
**HB 2062** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 2063** - Utilities  
**HB 2064** - Special Standing Committee on Urban Issues  
**HB 2065** - Health Care Policy  
**HB 2066** - Energy and Environment  
**HB 2067** - Elementary and Secondary Education  
**HB 2069** - Local Government  
**HB 2071** - Tax Reform  
**HB 2074** - Agri-Business  
**HB 2075** - Veterans  
**HB 2077** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2078** - Special Standing Committee on General Laws  
**HB 2079** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2080** - Health Care Policy  
**HB 2083** - Judiciary  
**HB 2084** - Public Safety  
**HB 2085** - Agri-Business  
**HB 2086** - Conservation and Natural Resources  
**HB 2087** - Transportation  
**HB 2088** - Agri-Business  
**HB 2089** - Agri-Business  
**HB 2090** - Agri-Business  
**HB 2091** - Tax Reform

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**HB 2092** - Tax Reform  
**HB 2093** - Tax Reform  
**HB 2094** - Tourism  
**HB 2096** - Retirement  
**HB 2099** - Ways and Means  
**HB 2100** - Retirement  
**HB 2101** - Job Creation and Economic Development  
**HB 2105** - Health Care Policy  
**HB 2106** - Judiciary  
**HB 2108** - Judiciary  
**HB 2110** - Transportation  
**HB 2112** - Retirement  
**HB 2115** - Public Safety  
**HB 2117** - Judiciary  
**HB 2118** - Healthcare Transformation  
**HB 2119** - Agriculture Policy  
**HB 2120** - Special Standing Committee on General Laws  
**HB 2121** - Judiciary  
**HB 2124** - Special Standing Committee on Professional Registration and Licensing  
**HB 2125** - Judiciary  
**HB 2126** - Veterans  
**HB 2127** - Crime Prevention  
**HB 2128** - Crime Prevention  
**HB 2129** - Health Care Policy  
**HB 2130** - Ways and Means  
**HB 2133** - Special Standing Committee on Professional Registration and Licensing  
**HB 2134** - Retirement  
**HB 2135** - Special Standing Committee on Urban Issues  
**HB 2138** - Tax Reform  
**HB 2139** - Transportation  
**HB 2140** - Transportation  
**HB 2141** - Transportation  
**HB 2142** - Transportation  
**HB 2143** - Transportation  
**HB 2144** - Transportation  
**HB 2145** - Insurance Policy  
**HB 2146** - Tax Reform  
**HB 2149** - Elections  
**HB 2150** - Agri-Business  
**HB 2151** - Transportation  
**HB 2154** - Tax Reform  
**HB 2155** - Job Creation and Economic Development  
**HB 2157** - Local Government  
**HB 2158** - Elementary and Secondary Education  
**HB 2160** - Special Standing Committee on General Laws  
**HB 2163** - Small Business  
**HB 2164** - Elections

**HB 2167** - Transportation  
**HB 2168** - Energy and Environment  
**HB 2169** - Transportation  
**HB 2171** - Utilities  
**HB 2172** - Local Government  
**HB 2173** - Judiciary  
**HB 2174** - Special Standing Committee on Children and Families  
**HB 2177** - Transportation  
**HB 2178** - Energy and Environment  
**HB 2179** - Insurance Policy  
**HB 2181** - Agri-Business  
**HB 2183** - Energy and Environment  
**HB 2184** - Insurance Policy  
**HB 2185** - Tax Reform  
**HB 2186** - Public Safety  
**HB 2188** - Judiciary  
**HB 2189** - Veterans  
**HB 2191** - Utilities  
**HB 2192** - Elementary and Secondary Education  
**HB 2193** - Health Care Policy  
**HB 2195** - Elections  
**HB 2197** - Agri-Business  
**HB 2199** - Crime Prevention  
**HB 2200** - Elementary and Secondary Education  
**HB 2202** - Transportation  
**HB 2203** - Health Care Policy  
**HB 2204** - Judiciary  
**HB 2206** - Special Standing Committee on General Laws  
**HB 2207** - Public Safety  
**HB 2208** - Judiciary  
**HB 2209** - Corrections and Public Institutions  
**HB 2210** - Elections  
**HB 2211** - Ways and Means  
**HB 2212** - Transportation  
**HB 2215** - Tax Reform  
**HB 2216** - Public Safety  
**HB 2217** - Public Safety  
**HB 2224** - Conservation and Natural Resources  
**HB 2227** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2228** - Tax Reform  
**HB 2232** - Special Standing Committee on Children and Families  
**HB 2233** - Public Safety  
**HB 2234** - Special Standing Committee on Professional Registration and Licensing  
**HB 2236** - Judiciary  
**HB 2237** - Local Government  
**HB 2238** - Crime Prevention  
**HB 2240** - Tax Reform

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**HB 2241** - Ways and Means  
**HB 2242** - Veterans  
**HB 2243** - Health Care Policy  
**HB 2244** - Tourism  
**HB 2247** - Transportation  
**HB 2248** - Special Standing Committee on General Laws  
**HB 2249** - Healthcare Transformation  
**HB 2251** - Ways and Means  
**HB 2256** - Homeland Security  
**HB 2257** - Public Safety  
**HB 2258** - Elementary and Secondary Education  
**HB 2265** - Tax Reform  
**HB 2266** - State Parks and Waterways  
**HB 2267** - Tax Reform  
**HB 2268** - Tax Reform  
**HB 2269** - Transportation  
**HB 2271** - Energy and Environment  
**HB 2273** - Health Care Policy  
**HB 2274** - Transportation  
**HB 2275** - Crime Prevention  
**HB 2276** - Elementary and Secondary Education  
**HB 2278** - Higher Education  
**HB 2279** - Job Creation and Economic Development  
**HB 2280** - Special Standing Committee on Emerging Issues in Animal Agriculture  
**HB 2281** - Elections  
**HB 2282** - Elections  
**HB 2284** - Health Care Policy  
**HB 2287** - Rules  
**HB 2289** - Special Standing Committee on General Laws  
**HB 2292** - Retirement  
**HB 2293** - Transportation  
**HB 2295** - Health Care Policy  
**HB 2296** - Tax Reform  
**HB 2298** - Conservation and Natural Resources  
**HB 2299** - Special Standing Committee on General Laws  
**HB 2303** - Elementary and Secondary Education  
**HB 2304** - Special Standing Committee on Professional Registration and Licensing  
**HB 2305** - Budget  
**HB 2306** - Health Care Policy  
**HB 2307** - Transportation  
**HB 2308** - Homeland Security  
**HB 2309** - Agriculture Policy  
**HB 2311** - Elementary and Secondary Education  
**HB 2313** - Small Business  
**HB 2314** - Tourism  
**HB 2315** - Elections  
**HB 2316** - Special Standing Committee on General Laws

**HB 2318** - Veterans  
**HB 2319** - Corrections and Public Institutions  
**HB 2320** - Special Standing Committee on General Laws  
**HB 2321** - Transportation  
**HB 2322** - Special Standing Committee on Children and Families  
**HB 2323** - Insurance Policy  
**HB 2324** - Real ID and Personal Privacy  
**HB 2325** - Tax Reform  
**HB 2326** - Higher Education  
**HB 2327** - Crime Prevention  
**HB 2328** - Special Standing Committee on Children and Families  
**HB 2329** - Special Standing Committee on Children and Families  
**HB 2330** - Special Standing Committee on Children and Families  
**HB 2331** - Special Standing Committee on Children and Families  
**HB 2333** - Elementary and Secondary Education  
**HB 2334** - Tax Reform  
**HB 2335** - Elementary and Secondary Education  
**HB 2336** - Public Safety  
**HB 2338** - Tourism  
**HB 2339** - Elections  
**HB 2340** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2341** - Crime Prevention  
**HB 2342** - Tax Reform  
**HB 2344** - Veterans  
**HB 2345** - Tourism  
**HB 2346** - Elementary and Secondary Education  
**HB 2347** - Tourism  
**HB 2348** - Health Care Policy  
**HB 2349** - Veterans  
**HB 2352** - Energy and Environment  
**HB 2354** - Local Government  
**HB 2355** - Judiciary  
**HB 2358** - Special Standing Committee on Urban Issues  
**HB 2359** - Tourism  
**HB 2360** - Tax Reform  
**HB 2362** - Agriculture Policy  
**HB 2364** - Job Creation and Economic Development  
**HB 2365** - Public Safety  
**HB 2366** - Public Safety  
**HB 2367** - Tax Reform  
**HB 2368** - Public Safety  
**HB 2369** - Tourism  
**HB 2370** - Tourism  
**HB 2374** - Judiciary  
**HB 2375** - Local Government  
**HB 2376** - Special Standing Committee on Children and Families  
**HB 2377** - Tourism

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**HB 2378** - Local Government  
**HB 2379** - Elementary and Secondary Education  
**HB 2380** - Local Government  
**HB 2383** - Tax Reform  
**HB 2385** - Transportation  
**HB 2391** - Public Safety  
**HB 2392** - Ways and Means  
**HB 2393** - Transportation  
**HB 2394** - Tax Reform  
**HB 2395** - Tax Reform  
**HB 2396** - Transportation  
**HB 2397** - Local Government  
**HB 2398** - Agri-Business  
**HB 2401** - Judiciary  
**HB 2402** - Judiciary  
**HB 2403** - Transportation  
**HB 2404** - Local Government  
**HB 2405** - Small Business  
**HB 2406** - Tax Reform  
**HB 2407** - Local Government  
**HB 2409** - Retirement  
**HB 2410** - Judiciary  
**HB 2412** - Special Standing Committee on Health Insurance  
**HB 2413** - Health Care Policy  
**HB 2414** - Special Standing Committee on General Laws  
**HB 2415** - Special Standing Committee on Workforce Development and Workplace Safety  
**HB 2416** - Transportation  
**HB 2418** - International Trade and Immigration  
**HB 2419** - Judiciary  
**HB 2421** - Transportation  
**HB 2422** - Higher Education  
**HB 2423** - Veterans  
**HB 2424** - Transportation  
**HB 2425** - International Trade and Immigration  
**HB 2426** - Transportation  
**HB 2427** - Tax Reform  
**HB 2428** - Health Care Policy  
**HB 2429** - Small Business  
**HB 2430** - Elementary and Secondary Education  
**HB 2431** - Judiciary  
**HB 2432** - Ways and Means  
**HB 2433** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 2434** - Public Safety  
**HB 2435** - Transportation  
**HB 2336** - State Parks and Waterways  
**HB 2437** - Public Safety  
**HB 2438** - Special Standing Committee on General Laws

**HB 2440** - Crime Prevention  
**HB 2441** - Job Creation and Economic Development  
**HB 2442** - Crime Prevention  
**HB 2443** - Tax Reform  
**HB 2444** - Public Safety  
**HB 2445** - Job Creation and Economic Development  
**HB 2446** - Utilities  
**HB 2447** - Elections  
**HB 2448** - Energy and Environment  
**HB 2450** - Special Standing Committee on Professional Registration and Licensing  
**HB 2451** - Crime Prevention  
**HB 2452** - Local Government  
**HB 2453** - Agri-Business  
**HB 2454** - Special Standing Committee on Governmental Accountability and Ethics Reform  
**HB 2455** - Agri-Business  
**HB 2456** - Real ID and Personal Privacy  
**HB 2457** - Tax Reform  
**HB 2458** - Special Standing Committee on General Laws  
**HB 2459** - Conservation and Natural Resources  
**HB 2461** - Elementary and Secondary Education  
**HB 2462** - Elementary and Secondary Education  
**HB 2463** - Elementary and Secondary Education  
**HB 2465** - Elections  
**HB 2466** - Local Government  
**HB 2467** - Local Government  
**HB 2468** - Energy and Environment  
**HB 2469** - Crime Prevention  
**HB 2470** - Conservation and Natural Resources  
**HB 2473** - Local Government  
**HB 2474** - State Parks and Waterways  
**HB 2475** - Tax Reform  
**HB 2476** - Rules

#### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 37** - Insurance Policy  
**SCR 52** - Tax Reform

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SB 594** - Judiciary  
**SCS SB 604** - Agri-Business  
**SB 621** - Special Standing Committee on General Laws



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**SB 767** - Judiciary

**SB 768** - Elementary and Secondary Education

**SCS SB 782** - Corrections

**SCS SB 787** - Crime Prevention

**SB 806** - Crime Prevention

**SB 849** - Local Government

**SB 929** - Local Government

**SCS SB 963** - Higher Education

**SB 1058** - Job Creation and Economic Development

### **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 11:00 a.m., Tuesday, May 25, 2010.

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Second Regular Session, 95th GENERAL ASSEMBLY

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SEVENTY-SECOND DAY, TUESDAY, MAY 25, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3490 through House Resolution No. 3497

## SIGNING OF HOUSE BILLS

All other business of the House was suspended while **SS SCS HCS HB 1764** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SS SCS HCS HB 1764** was delivered to the Secretary of State by the Chief Clerk of the House.

Representative Emery offered an objection to **CCS SCS HCS HBs 1311 & 1341**, which was appended to the bill.

## LETTER OF OBJECTION

May 2010

Jeremiah W. (Jay) Nixon  
Governor  
State Capitol, Room 216  
105 West Capitol Avenue  
Jefferson City, MO 65101

RE: **CCS SCS HCS HBs 1311 and 1341** Establishes provisions regarding health insurance coverage for individuals diagnosed with autism spectrum disorders and the licensure of applied behavior analysts.

Dear Governor Nixon:

I submit this objection to the signing of **CCS SCS HCS HBs 1311 and 1341** pursuant to article III, section 30 of the Constitution of Missouri.

This bill violates the fundamental and natural right to life of all Missouri citizens by inhibiting the freedom to choose and acquire health care that is necessary to preserve one's life and health from any source capable of providing medically efficacious health care. Any state mandate to provide coverage increases the cost of health care thereby making it less affordable. Furthermore, **House Bill No. 1311** prohibits the sale of health insurance to Missouri residents by out-of-state providers unless they conform to Missouri law. This violates the right of Missouri citizens to acquire medically efficacious health care from any source.

In general term, the distinction between Missouri residents and non-residents with regard to the availability and choice of health care lacks any rational basis whatsoever and is a violation of the Equal Protection Clause of the federal constitution. The restriction on the sale of health insurance to Missouri residents violates the fundamental rights to life and acts medical self defense by Missouri residents preserved by both the federal and state constitutions. The restriction on the sale of health insurance policies to Missouri residents by out-of-state health carriers violates the Supremacy Clause of the federal Constitution because the state of Missouri lacks jurisdiction to impose any extraterritorial restriction on the activities of Missouri residents and out-of-state health insurance carriers conducting transactions substantially outside of the state of Missouri.

The proposed legislation also violates the Commerce Clause of the federal constitution by inhibiting the sale of interstate goods and services to residents of Missouri. Missouri has unconstitutionally exempted its own health care plan, Missouri Health Net, as well as numerous small, in-state businesses from its mandate. These waivers and exemptions are unavailable to out-of-state companies thereby creating a competitive advantage for the state of Missouri and certain in-state businesses at the expense of a national free market in health care services.

Because of these numerous constitutional violations, I ask the Governor to act for the good of the people of Missouri and to veto **House Bill No. 1311**.

Sincerely,

/s/ Ed Emery

All other business of the House was suspended while **CCS SCS HCS HBs 1311 & 1341**, was read at length and was signed by the Speaker to the end that the same may become law.

All other business of the House was suspended while **HB 1270, SCS HCS HB 1316, HB 1340, SCS HCS HB 1375, SCS HB 1392, CCS SS HCS HBs 1408 & 1514, CCS SS SCS HB 1442, SCS HB 1444, HCS#2 HB 1472, SCS HCS HB 1516, SCS HCS HBs 1524 & 2260, CCS SS#2 SCS HCS#2 HB 1543, HB 1559, HB 1595, SCS HB 1612, HB 1643, HB 1654, HB 1662, SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, SS SCS HCS HBs 1695, 1742 & 1674, HB 1741, SS SCS HCS HB 1750, SS HCS HB 1806, SCS HCS HB 1831, HCS HB 1840, SS HCS HB 1848, SCS HCS HB 1858, CCS SCS HB 1868, SCS HB 1892, SS#2 HCS HB 1893, HB 1894, HCS HB 1898, SCS HCS HB 1903, SCS HB 1941, HB 1942, CCS SCS HCS HB 1965, HCS HB 1977, SCS HCS HB 2016, HB 2056, SS SCS HCS HB 2058, CCS HCS HB 2070, HCS HB 2081, HCS HBs 2147 & 2261, HCS HB 2161, HB 2182, SS SCS HCS HB 2198, SS SCS HCS HB 2201, CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990, HCS HB 2231, HCS HBs 2262 & 2264, HB 2270, SCS HB 2285, SS HB 2290, CCS SCS HCS HB 2297 and SS SCS HB 2317** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HCS HB 2001, CCS SS SCS HCS HB 2002, CCS SS SCS HCS HB 2003, CCS SCS HCS HB 2004, CCS SCS HCS HB 2005, CCS SCS HCS HB 2006, CCS SCS HCS HB 2007, CCS SCS HCS HB 2008, CCS SCS HCS HB 2009, CCS SCS HCS HB 2010, CCS SCS HCS HB 2011, CCS SCS HCS HB 2012, CCS SCS HCS HB 2013, CCS SCS HCS HBs 1311 & 1341, HB 1270, SCS HCS HB 1316, HB 1340, SCS HCS HB 1375, SCS HB 1392, CCS SS HCS HBs 1408 & 1514, CCS SS SCS HB 1442, SCS HB 1444, HCS#2 HB 1472, SCS HCS HB 1516, SCS HCS HBs 1524 & 2260, CCS SS#2 SCS HCS#2 HB 1543, HB 1559, HB 1595, SCS HB 1612, HB 1643, HB 1654, HB 1662, SS SCS HCS#2 HBs 1692, 1209, 1405, 1499, 1535 & 1811, SS SCS HCS HBs 1695, 1742 & 1674, HB 1741, SS SCS HCS HB 1750, SS HCS HB 1806, SCS HCS HB 1831, HCS HB 1840, SS HCS HB 1848, SCS HCS HB 1858, CCS SCS HB 1868, SCS HB 1892, SS#2 HCS HB 1893, HB 1894, HCS HB 1898, SCS HCS HB 1903, SCS HB 1941, HB 1942, CCS SCS HCS HB 1965, HCS HB 1977, SCS HCS HB 2016, HB 2056, SS SCS HCS HB 2058, CCS HCS HB 2070, HCS HB 2081, HCS HBs 2147 & 2261, HCS HB 2161, HB 2182, SS SCS HCS HB 2198, SS SCS HCS HB 2201, CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990, HCS HB 2231, HCS HBs 2262 & 2264, HB 2270, SCS HB 2285, SS HB 2290, CCS SCS HCS HB 2297 and SS SCS HB 2317** were delivered to the Governor by the Chief Clerk of the House.

### **SIGNING OF SENATE BILLS**

All other business of the House was suspended while **SS SB 578, HCS SCS SB 583, HCS SS SCS SBs 586 & 617, SS SCS SB 588, SCS SB 630, SCS SB 644, SB 649, CCS HCS SCS SB 733, HCS SB 739, SB 753, CCS#2 HCS SCS SB 754, SB 758, SB 771, SCS SB 772, SCS SB 774, HCS SCS SB 777, CCS HCS SB 791, SS SCS SB 793, CCS HCS SB 795, SCS SB 808, SCS SB 834, CCS HCS SCS SBs 842, 799 & 809, CCS#3 HCS#2 SB 844, HCS SB 851, SS SCS SB 884, HCS SB 940, HCS SCS SB 942, SB 981, SS SB 984, SB 987 and CCS HCS SS SB 1007** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

### **COMMITTEE APPOINTMENT**

May 25, 2010

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306C  
Jefferson City, MO 65101

Re: Appointments to the Joint Interim Committee on Reducing the Size of State Government.

Dear Mr. Crumbliss:

Pursuant to **Senate Concurrent Resolution No. 54**, I am appointing the following members to the Joint Interim Committee on Reducing the Size of State Government:

Representative David Day  
Representative Sally Faith

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Representative Ryan Silvey  
Representative Rick Stream

If you have any questions, please contact my office.

Sincerely,

/s/ Ron Richard  
Speaker

## MESSAGE FROM THE GOVERNOR

May 25, 2010

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
95<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Senate Substitute for House Committee Substitute for House Bill No. 1806** entitled:

"AN ACT"

To repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof four new sections relating to county classification, with an emergency clause.

On May 25, 2010, I approved said **Senate Substitute for House Committee Substitute for House Bill No. 1806**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

The following members' presence was noted: Ayres, Cunningham, Deeken, Dugger, Fallert, Fischer (107), Fisher (125), Frame, Gatschenberger, Jones (117), Koenig, Komo, Kratky, Kuessner, McClanahan, Meiners, Morris, Newman, Nolte, Pace, Pratt, Quinn, Riddle, Roorda, Schieffer, Schupp, Smith (14), Sutherland, Talboy and Walton Gray.

## ADJOURNMENT

Speaker Richard declared the House of Representatives of the Ninety-fifth General Assembly, convened in the Second Regular Session on January 6, 2010, adjourned sine die, pursuant to the Constitution.

RONALD F. RICHARD  
Speaker of the House

D. ADAM CRUMBLISS  
Chief Clerk of the House

# JOURNAL OF THE HOUSE

## VETO SESSION

### Second Regular Session, 95th GENERAL ASSEMBLY

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WEDNESDAY, SEPTEMBER 15, 2010

Speaker Richard in the Chair.

Prayer by Msgr. Robert Kurwicki.

Almighty God, Creator of Heaven and Earth, we ask You to be present in our midst as we reassemble from the events of the summer. Watch over us as we debate and vote over those issues that will bring true progress to our state and its citizens.

May our minds and hearts be open and our eyes and voices be clear to understand fully the importance of our actions and reactions. We pray then that all our works of this day may bless the Lord.

We ask this in God's Holy Name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Everest Trupiano Komo and Robert Alan Butner.

## SPECIAL RECOGNITION

Gilbert Pritzel was introduced by Representative Riddle and recognized as a recipient of the French Legion Medal of Honor.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 4176 through House Resolution No. 4207

## HOUSE RESOLUTION

Representative Tilley offered **House Resolution No. 1**, which was read.

### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2010 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Tilley, **House Resolution No. 1** was adopted by the following vote:

AYES: 147

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Black	Brandom	Bringer	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Englund	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Gatschenberger	Grill	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Oxford	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 005

Burnett	Hughes	Talboy	Vogt	Witte
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PRESENT: 000

ABSENT WITH LEAVE: 010

Dougherty	Funderburk	Grisamore	Kelly	LeBlanc
Low	Morris	Pace	Scharnhorst	Stevenson

VACANCIES: 001

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

**SENATE RESOLUTION NO. 1**

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

**MESSAGES FROM THE GOVERNOR**

July 14, 2010

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 1741** entitled:

"AN ACT"

To repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

I disapprove of **House Bill No. 1741**. My reasons for disapproval are as follows:

Under current law, a corporate board of directors may take action without a meeting if all members of the board consent in writing. Importantly, the written consent must set forth the action to be taken. **House Bill No. 1741** expands the means of communicating such consent to include electronic transmission. However, **House Bill No. 1741** also deletes the existing requirement that the directors' consent specifically set "forth the action so taken." The Model Business Corporations Act and the laws of other states require that the specific action be included in the consent. Indeed, the inclusion of such specificity is necessary to avoid ambiguity and confusion as to the scope and detail of the consent. Current law requires such specificity and its repeal cannot receive my approval.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 1741** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 14, 2010

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 1831** entitled:

"AN ACT"

To amend chapter 177, RSMo, by adding thereto one new section relating to real property donated to school districts.



I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 1831**. My reasons for disapproval are as follows:

School districts are recipients of real property donated by individuals, businesses and community organizations. These parcels are used for a variety of purposes including infrastructure expansion, athletic fields, or future district needs. While the donation of real property constitutes a generous gesture by the donor and an opportunity for a school district to advance needed improvements, subsequent circumstances may dictate a school district transfer the property out of its holdings. Under existing law, a school district desiring to convey real property – be it acquired by purchase or donation – must do so through a process designed to provide the school district fair market value for the property. And, relevant to this legislation, a school district is not permitted under current law to simply return donated property to the previous owner.

**Senate Committee Substitute for House Committee Substitute for House Bill No. 1831** would create an exception for land acquired through donation by allowing a school district to transfer such property back to the previous owner under certain circumstances. This provision was drafted to address a specific parcel of land held by a particular school district. While the legislation would apparently satisfy the needs of that particular school district, the language is not limited to that school district or that parcel of land and could inflict unintended future hardship to other school districts in possession of donated real property.

**Senate Committee Substitute for House Committee Substitute for House Bill No. 1831** is problematic in several respects:

The legislation precludes a school district from conveying donated real property until ten years have elapsed from the date of donation;

The legislation requires that a school district, prior to selling property acquired through donation, must first offer to return the property to the previous owner. However, the legislation does not account for improvements made to the real property by the school district or allow the school district to be compensated if the previous owner accepts the property back; and

The legislation requires the previous owner refuse to accept return of the property prior to the school board being authorized to sell the donated parcel. The bill contains no procedural mechanism for when the original donor cannot be found, is deceased, or is a defunct entity or organization. Moreover, the legislation fails to impose a time period during which the donor must decide to accept or decline the return of the real property. These oversights erect a potential bar to the school district's ability to sell unneeded property.

The purpose underlying this legislation to assist a specific school district transfer a particular parcel of property may be worthy. However, I cannot permit it to be accomplished at the risk of imposing future impediments to the other school districts of this state.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 1831** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 14, 2010

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 1903** entitled:

"AN ACT"

To repeal section 160.254, RSMo, and to enact in lieu thereof three new sections relating to funds established in the state treasury to receive federal funds, with an emergency clause.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 1903**. My reasons for disapproval are as follows:

**Senate Committee Substitute for House Committee Substitute for House Bill No. 1903** creates two new accounts in the state treasury to receive federal funds under the American Recovery and Reinvestment Act of 2009. These new accounts would receive extension of the temporary increase in the Medicaid Federal Medical Assistance Percentage (FMAP) and moneys awarded to the state under the Race to the Top program. This expansion of funds in the state treasury is unnecessary and duplicative of legislation passed during the 2009 session. House Committee Substitute for Senate Committee Substitute for Senate Bill No. 313 passed during the First Regular Session of the 95<sup>th</sup> General Assembly created the Federal Budget Stabilization Fund and the Federal Stimulus Fund. These existing funds are the appropriate accounts to receive FMAP extension and Race to the Top funds.

In addition to **Senate Committee Substitute for House Committee Substitute for House Bill No. 1903** needlessly creating duplicative funds in the state treasury, the legislation also presents mechanical challenges. Under the bill, the Joint Committee on Education must approve the distribution of Race to the Top funds. This intrusion by the legislative branch into the duties of the executive branch is inconsistent with Article IV, Section 28 of the Missouri Constitution. Moreover, it is anticipated that the United States Department of Education will announce the next round of Race to the Top awards in September, 2010. If Missouri is successful, adherence to the violative approval process contained in **Senate Committee Substitute for House Committee Substitute for House Bill No. 1903** would unnecessarily delay the distribution of funds to the school districts of this state.

Finally, **Senate Committee Substitute for House Committee Substitute for House Bill No. 1903** provides that moneys remaining in the Race to the Top Fund at the end of the biennium shall revert to the credit of the general revenue fund. Such a transfer would violate federal law and subject the State of Missouri to possible sanctions by the federal government.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 1903** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 17, 2010

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Section 7.840

I hereby veto \$295,287 Workers' Compensation Fund for three administrative law judges. The Division of Workers' Compensation is statutorily authorized a maximum of forty administrative law judges. Pursuant to Section 287.610.1, RSMo, the actual number of administrative law judges is determined through the appropriations process and "shall be based upon necessity..." Between 2005 and 2009, the division realized a 25% reduction in first reports of injury and a 28% decrease in the number of claims filed. As a result, the fiscal year 2010 budget eliminated five administrative law judge positions. My budget recommendations for fiscal year 2011 did not add any administrative law judge positions and, given the reduction in claims, a veto will not impact the department's ability to adjudicate workers' compensation cases.

Personal Services and/or Expense and Equipment by \$295,287 from \$9,321,650 to \$9,026,363 Workers' Compensation Fund.

From \$9,371,650 to \$9,076,363 Workers' Compensation Fund.

From \$9,376,650 to \$9,081,363 in total for the section.

On June 17, 2010 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 14, 2010

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Bill No. 2317** entitled:

"AN ACT"

To amend chapter 8, RSMo, by adding thereto twelve new sections relating to state properties and the conveyance thereof.

I disapprove **Senate Substitute for Senate Committee Substitute for House Bill No. 2317**. My reasons for disapproval are as follows:

**Senate Substitute for Senate Committee Substitute for House Bill No. 2317** authorizes several land conveyances. In addition, it requires the Commissioner of the Office of Administration provide each member of the General Assembly

with a key to the dome area of the state capitol. The well-founded concerns held by the Office of Administration, Missouri Department of Public Safety and Capitol Police over this provision have been repeated for years by multiple administrations. They range from inaccessibility to the dome area in the event of a medical emergency to the potential for security threats.

The land conveyances authorized in **Senate Substitute for Senate Committee Substitute for House Bill No. 2317** are also contained in Senate Committee Substitute for House Bill No. 2285. Both bills also include provisions relating to access to the dome area of the state capitol. However, only Senate Committee Substitute for House Bill No. 2285 includes a requirement for training on issues pertaining to secured areas of the capitol building. Broad access to the dome area is profoundly concerning and such access absent training and other safeguards is unacceptable on public safety grounds.

I disapprove **Senate Substitute for Senate Committee Substitute for House Bill No. 2317** with the knowledge that the land conveyances in that legislation were authorized on July 9, 2010, with my approval of Senate Committee Substitute for House Bill No. 2285.

In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for Senate Committee Substitute for House Bill No. 2317** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

### HOUSE BILLS VETOED FROM THE SECOND REGULAR SESSION

The Speaker read the following House Bills vetoed from the Second Regular Session:  
**HB 1741, SCS HCS HB 1831, and SCS HCS HB 1903.**

Representative Icet moved that **SCS HCS HB 1903**, relating to the deposit of certain federal funds, be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stream	Sutherland	Thomson	Tilley	Tracy

Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 068

Atkins	Aull	Biermann	Black	Bringer
Brown 50	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Conway	Corcoran	Curls
Englund	Fallert	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Newman	Norr	Oxford	Pace
Quinn	Roorda	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Whitehead
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Dougherty	Funderburk	LeBlanc	Morris	Rucker
Salva	Schad	Scharnhorst	Stevenson	

VACANCIES: 001

Speaker Pro Tem Pratt assumed the Chair.

The Speaker Pro Tem read the following House bills vetoed from the Second Regular Session: **CCS SCS HCS HB 2007** and **SS SCS HB 2317**.

Representative Tilley offered **House Resolution No. 2**, which was read.

#### HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **HB 1741**, **SCS HCS HB 1831**, **CCS SCS HCS HB 2007** and **SS SCS HB 2317** when the bills were called by the Speaker.

On motion of Representative Tilley, **House Resolution No. 2** was adopted.

Speaker Richard resumed the Chair.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 3**.

**SENATE RESOLUTION NO. 3**

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 when the bill was so called by the President.

Speaker Pro Tem Pratt resumed the Chair.

Speaker Richard resumed the Chair.

Speaker Pro Tem Pratt resumed the Chair.

Representative Bringer led the House in the singing of "God Bless America".

The following member's presence was noted: Scharnhorst.

**ADJOURNMENT**

On motion of Representative Self, the Veto Session of the Ninety-fifth General Assembly, Second Regular Session, adjourned sine die pursuant to the Constitution.

RON RICHARD  
Speaker of the House

D. ADAM CRUMBLISS  
Chief Clerk of the House